

ranking members and majority members?

Pruitt: I met with about 40-50 of your colleagues before being confirmed. Yes, we will respond and try to be proactive through our Office of Congressional Affairs, with whomever gets in touch with questions.

Udall: This budget is just a proposal, but it reduces staffing by 30%, and I understand you're planning voluntary buyouts. This committee has the authority on changes of staffing and office closures. Will you commit to following our subcommittee direction?

Pruitt: We're not going to be giving out pink slips, we will meet these goals by voluntary buyouts and early retirement and hiring freeze. Yes, We will respect the role of congress in that regard.

Udall: The thing I have the hardest time with your budget is the mismatch between your stated priorities and your funding request. For example, you delayed ozone standards a year because some areas have yet to meet the old standard, but you have cut \$150M in state grants to reduce air pollution, including \$50M for upgrading dirty diesel engines [DERA], and for \$30M in grants targeted at the areas with the worst air quality [Targeted Air Sheds Grants]. I know you dismiss the problem of climate change but these are about the air we breathe and having clean air. You say that states and other entities should take on more responsibility, but states are still struggling to recover from the recession. It is the case in NM and OK- they are two of 19 states that still have lower revenues now than before the 2009 downturn. It looks to me that this budget makes a foregone conclusion that these states programs die on the vine. How do you think states would be able to make up the drop in federal support? That 45% drop in federal grants to states?

Pruitt: Well, that Targeted Air Sheds Grants as you indicated have served a very useful purpose, and we look forward to the discussion with this committee, and Congress, with respect to those issues. I would say to you, Senator, the air transport issues, the air attainment issues that states face, clearly there are air quality issues that cross state lines. There are things going on in TX that impact OK, and as Sen. Leahy talked about the impact in VT, as well. We serve a very important role in air transport issues, the cross state air pollution issues, and we look forward to working with this committee and working with Congress to work on that and achieve better attainment.

Udall: But you haven't answer the question: how do you expect the states to do more, and cut their budgets 45%? What we've done over time with the environmental statutes is that we've delegated authority to the states, and we have given them significant budgets. And now you're proposing to cut a lot of that funding, and I don't see how you fit those two things together.

Pruitt: Some of it, Senator, is from better cooperation. The first weekend after being sworn in on Friday, I had 18 governors in my office, and we talked about a varied host of issues, from Superfund to air attainment, compliance and assistance, and how we can better cooperate with them. And as I indicated in my earlier answer, we have over 700 State Implementation Plans that are before the agency today, that the agency hasn't responded to. And that was before any discussion about a budget. That provides a lack of clarity and direction to the states and doesn't

provide them the steps forward to achieve attainment under the Clean Air Act. So some of this Senator is having more decisive approaches to working with the states and cooperating with the states and making decisions, compliance and assistance. Now to your point, the budget proposal is something we have to be mindful of, because I really believe that the states serve an important role in enforcement. In fact we just joined with CO in taking action against a company for 3,000 tons of VOCs that had been emitted into the atmosphere there. And working with Justice we actually have engaged on some very constructive and meaningful enforcement actions there. So you're right, states serve a very important role in enforcement and compliance assistance, and we need to be mindful of that as we go through this budget process.

Daines: [Nothing on air, all on Superfund and community engagement.]

Leahy: [First exchange on Lake Champlain initiative] Is it the intention of the administration to eliminate the EPA, or restructure it frequently enough that it can't get anything done? Is it the administration's plan to eliminate the EPA in the next four years?

Pruitt: No. As I indicated in my confirmation hearing and when I was Attorney General of OK, and I note the EPA is not very popular there, I said that there is an important role for EPA. There are air quality issues, water quality issues, Superfund issues, TSCA, there are many important roles that the agency plays, and it is important that we fund those roles.

Leahy: If we vote to add or continue programs, even if they have been eliminated in the budget you've presented here, do I have your pledge that you will follow what the congress has done and maintain those programs?

Pruitt: Absolutely.

Tester: [Superfund questions and overall budget]

Van Hollen: One of the issues that has come up again and again is the integrity and accuracy of information that has come out of the EPA. There's a report today in the NY Times today about Dr. Swakhamer, former chair of the Board of Scientific Councilors [BOSC}, reported that the Chief of Staff of the EPA called her to change her testimony to Congress. Do you know about this instance?

Pruitt: I do not know about this situation. So that any emails or communications that relate to this issue we would be happy to provide to this committee. And make sure that you're fully aware of any conversations that took place between this individual that you cite and the Chief of Staff.

Van Hollen: But you would agree that it is important that EPA provide accurate information to the Congress?

Pruitt: Without question. I would say to you that those members of the BOSC, there's a rotation. None of those folks have been fired. Those folks can reapply for positions on the board, and they in fact are. It is intended that as we make decisions about representation on that board, that we have geographical dispersion and that was something that was mentioned to me both by democrats and republicans during the confirmation process that we had folks in different parts of the country participating on scientific review on rulemaking that we are engaged in. Any specific information in regards to that issue you mention we will get to you. And the integrity of the scientific review is I take very seriously.

Van Hollen: Along the lines of disclosure, why did you take down the climate change website at the EPA?

Pruitt: There are pages that have been changed that have not been trying to send any particular message one way or another. We have a job to do, under the Clean Air Act, and that job is going to continue whether it's on a website or not. We have an endangerment finding from 2007, we have a Supreme Court case in 2009 from Mass v. EPA. The agency tried twice to regulate carbon twice, and failed twice, with respect to the clean power plan and the UARG decision involving the tailoring rule. And so there is ongoing review with respect to what authority we have under the CAA to address these issues. How it affects the website...[crosstalk]

Van Hollen: Could you tell this committee, could you get back to this committee, on what you found inaccurate on this website? This was the compilation of a lot of information that had been vetted. You've got political conservatives and liberals who follow this issue who both say that this was the gold standard. So could you provide us in follow-up what you found inaccurate?

There were some inaccuracies and things we needed to change.

Pruitt: Yes, we will get you that information.

Murkowski: Let me just do a little bit of follow-up from Sen. Van Hollen. I come from a state where we have seen a lot of things changing in our climate in Alaska, visually, such as ice farther from shore, with erosion on our coastline, and the interior, and there is a visuality to the changing climate. There is a discussion about it in the state that is relatively open. There has been some criticism that the budget zeroes out all of the climate change programs. But we recognize within the mission set of the agency and your priorities of clean air and clean water that you might address so much of what we're seeing with the environmental impact of climate change. Can you speak to some of the common sense pieces of the budget proposal that deal with climate? Something that I can give the folks back home

Pruitt: So you're not asking about NAAQS program or criteria pollutants or anything like that,

you're making reference to steps that we're taking in regard to CO2? [yes/crosstalk] Okay, I think that the greatest progress that we have made as an agency has really been, obviously, with mobile sources,. The CAFÉ standards and the focus on the CAA over the last several years has made a big difference in GHGs and CO2. I think we've also seen great progress with respect to our CO footprint industry has made a huge difference. We're below our 1994 levels right now with respect to our CO2 footprint. From 2000-2014 we've reduced our footprint more than 18%. And that's primarily through industry. Sometimes we don't recognize the technology that has contributed to better outcomes. Natural gas in the generation of electricity. Horizontal drilling and hydraulic fracturing contributed to that. We have technology that's being deployed with respect to coal burning that matters. But I think from a regulatory perspective, the areas we've made the most progress is the mobile source categories.

Murkowski: Do you think this budget provides enough funding to continue the progress and the efforts here and on mobile sources?

Pruitt: Yes, we do. If you look at the CAFE standards, we will have a midterm evaluation that will come out by April 2018. We have been involved in meaningful and intense discussions with parties respect to that midterm review and I think that will continue the progress on mobile sources we are making.

Murkowski: [WOTUS]

Udall: [Gold King Mine question, Navajo, Water quality funding for tribes question.] We can't wall off TSCA office and expect it to perform when the ORD is being cut 50% and other programs are being cut by a lot, too. Core agency functions like enforcement, cut too. Same applies to clean air, clean water, radon, even childhood lead poisoning programs. Strong implementation requires a strong EPA across all disciplines. Given the EPA budget is already lower that it has been in years, how do you reconcile these cuts with strong timely implementation of the TSCA statute.

Pruitt: As you know, we have scientists in each of the individual program offices, air, water, chemicals, and those people are supported by the scientists in ORD. to give an example, when I came into this position, there was a backlog of chemicals. As you know there is a requirement that new chemicals get a review under TSCA and there was a backlog of 600 or 700 chemicals when I came into this position. And we actually worked, ORD and the chemicals office, worked to pull together adding FTE to reduce it, and it is going to cleaned out by the end of next month. You make a very good point and that point is that ORD working with those program offices needs to provide support and assistance and partnership to achieve good rulemaking. That is going to continue, it's something we are committed to. I would say this to you as well, ORD can provide, I think, technical assistance to the states in a way that helps them develop plans to address air attainment, water quality issues, and the rest. And so, that mission is important to our ORD as well.

Udall: [more on TSCA framework]

Murkowski: We have talked about Fairbanks and the interior and the issues that they have meeting the air quality requirements in the Fairbanks Borough this is the PM2.5 issue. Fairbanks was fortunate, and they wrote a strong grant, and under the Targeted Air Sheds Grants program they got \$2.5M grant to do a woodstove change-out, and they're working to do that. As was mentioned here earlier, I think these TASG are important programs, as you have acknowledged as well. Fairbanks is in a situation now, because in April they, the Fairbanks/Northstar Borough, were officially reclassified from moderate to serious non-attainment, and the designation means that the state is required to submit an air quality plan by the end of this year, by Dec. 31. And I know that EPA has been working with the state and working with the borough to develop a plan and provide that level of technical assistance. You know the issues and we've had the conversations about some of the challenges the Fairbanks Northstar Borough faces- it's not because of lack of trying. We don't have a lot of alternatives. The geography of the area makes it very, very complicated. So I'm hoping that again by the next time we have the opportunity to meet with your team that we've got some specifics in terms of some measures that you can outline that will help us working with those in the area working to come into compliance. No one wants to be in non-attainment they want to clean it, but it's a complicated set of facts.

Pruitt [around 1:45 of the video]: We've interpreted, we've perceived that the individuals, the AK DEQ, their leadership, they are committed to finding answers. And that's good. So we're working very cohesively with them. And you're right, there's a SIP that is due by the end of this year, and that's very important, I believe, that the implementation plan is drafted and completed at that time, so there's not exposure with respect to potential litigation. And we're working diligently, members of our team here in DC and through the Region, with AK to try to achieve some good outcomes and plan going forward.

Udall: We have heard a lot of different statements on climate change and its impacts on humans. What is the official Trump administration position on accepting the scientific evidence that man-made climate change is occurring?

Pruitt: Senator, I have been consistent from my confirmation hearing through all my comments that the global warming CO2 is impacting the climate, that human activity contributes to it in some measure, and measuring that with precision is very difficult. But there is a very important question: what is the process as far as response? The CAA, when you go back to individuals, when it was amended in 1990, there was great question about whether it was intended to regulate carbon pollution. It was originally meant to deal with regional pollution. And Congressman Dingell, for example, said that if the framework was used to regulate CO2 that it would create a "glorious mess". So the question is from the process issue.

Udall: They settled that issue, the Court settled that question about regulating CO2...

Pruitt: No, in Mass v. EPA simply said to the EPA that it had to make a decision on whether to regulate, whether it posed a risk to public health. And EPA responded with an endangerment finding in 2009. It did not address whether there were the tools in the toolbox it did not address with the agency, because Congress has not responded to that CO2 issue with amendments to the CAA to address that. And the Supreme Court has noted that in the CPP stay, and in the UARG decision, with respect to the tailoring rule.

Udall: Now, I know you stated your position, but is that the official Trump administration position?

Pruitt: The Agency that I lead is responsible for responding to the endangerment finding.

Udall: Is there no official Trump administration position?

Pruitt: I have responded to you based on our responsibilities at the Agency and CO2.

Udall: Do you know of any official position that I can find somewhere and understand what the Trump Administration official position is?

Pruitt: I think what is important is that we are responding to the CO2 issue with the regulation of mobile sources, we are also evaluating the steps or tools we have in the toolbox with regard to stationary sources, and that is what is important.

Udall: Senate EPW is looking at updates to the Renewable Fuel Program (RFS). I helped with its passage when I was in the House, but now I am concerned about its implementation. I am concerned it has led to widespread land conversion,

[1:54 in video]

SEPW is looking at RFS updates – Response to letters on RFS?

Lisa Murkowski (R-AK), Chairman, Round Four

Fish grinding – need to continue to work with EPA to resolve associated issues, such as the use of best available technology

Regional Administrator positions status?

Tom Udall (D-NM), Ranking Member, Round Four

Pesticide determination – which October?

RFS – agree to focus to incentivize?

Oil and Gas Methane emissions delay signal a formal federal process to develop new rule? EPA have a role in methane regulation?

Matthew H. Davis

Office of Congressional Affairs

U.S. EPA

1200 Pennsylvania Ave NW, MC 1301A

Washington, DC 20460

(202) 564-1267

To: Christensen, Damaris[Christensen.Damaris@epa.gov]
Cc: Wehling, Carrie[Wehling.Carrie@epa.gov]; Downing, Donna[Downing.Donna@epa.gov]; Chemerys, Ruth[Chemerys.Ruth@epa.gov]
From: Kwok, Rose[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D3D2987BA8F246A5A9E37773201FD180-KWOK, ROSE]
Sent: Mon 7/3/2017 5:06:48 PM (UTC)
Subject: RE: Attorney Client / Deliberative Process Ex. 5

Attorney Client / Deliberative Process / Ex. 5

From: Christensen, Damaris
Sent: Monday, July 03, 2017 10:39 AM
To: Kwok, Rose <Kwok.Rose@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>
Subject: Re: Attorney Client / Deliberative Process Ex. 5

In that case, can you add Andrea Schaller and Dolores and Julia to the meeting invitation? Thx.

Sent from my iPhone

On Jul 3, 2017, at 10:31 AM, Kwok, Rose <Kwok.Rose@epa.gov> wrote:

Probably best to discuss at this meeting,

Attorney Client / Deliberative Process / Ex. 5

Thanks!

From: Christensen, Damaris
Sent: Friday, June 30, 2017 7:30 PM
To: Kwok, Rose <Kwok.Rose@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>
Subject: RE: Attorney Client / Deliberative Process Ex. 5

Query: would it be relevant/useful at this meeting to also discuss: Attorney Client / Deliberative Process / Ex. 5

Attorney Client / Deliberative Process / Ex. 5

-----Original Appointment-----

From: Kwok, Rose
Sent: Friday, June 30, 2017 5:27 PM
To: Wehling, Carrie; Downing, Donna; Chemerys, Ruth
Cc: Christensen, Damaris
Subject: Attorney Client / Deliberative Process Ex. 5

When: Wednesday, July 05, 2017 10:00 AM-10:45 AM (UTC-05:00) Eastern Time (US & Canada)

Where: DCRoomWest7301/DC-CCW-OWOW or

Nonresponsive Conference Code/ Ex. 6

Nonresponsive Conference Code/ Ex. 6

I've set up this meeting with Carrie to discuss: Attorney Client / Deliberative Process Ex. 5

Attorney Client / Deliberative Process Ex. 5

Nonresponsive Conference Code/ Ex. 6

To: Simons, Andrew[Simons.Andrew@epa.gov]
Cc: Christensen, Damaris[Christensen.Damaris@epa.gov]; Siciliano, CarolAnn[Siciliano.CarolAnn@epa.gov]; Talty, Mark[Talty.Mark@epa.gov]; Bowles, Jack[Bowles.Jack@epa.gov]; Downing, Donna[Downing.Donna@epa.gov]; Goodin, John[Goodin.John@epa.gov]
From: Hanson, Andrew[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=976B280C3EAF4E50B91A25D75466CF3C-HANSON, ANDREW]
Sent: Fri 7/14/2017 6:26:01 PM (UTC)
Subject: FW: **Attorney Client / Deliberative Process Ex. 5**

Attorney Client / Deliberative Process / Ex. 5

From: Simons, Andrew
Sent: Friday, July 14, 2017 11:43 AM
To: Hanson, Andrew <Hanson.Andrew@epa.gov>
Cc: Bowles, Jack <Bowles.Jack@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>
Subject: RE: **Attorney Client / Deliberative Process Ex. 5**

Andy:

Attorney Client / Deliberative Process / Ex. 5

Attorney Client / Deliberative Process / Ex. 5

Attorney Client / Deliberative Process / Ex. 5

Best,

Andy

Andrew Simons
Assistant General Counsel
Regulatory Issues Practice Group
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-3649
WJC-N 7522C

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Please consider the environment before printing this email.

From: Hanson, Andrew
Sent: Friday, July 07, 2017 11:56 AM
To: Simons, Andrew <Simons.Andrew@epa.gov>; Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>
Cc: Bowles, Jack <Bowles.Jack@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>
Subject: RE: **Attorney Client / Deliberative Process Ex. 5**

Thank you Andy.

From: Simons, Andrew
Sent: Friday, July 07, 2017 11:50 AM
To: Hanson, Andrew <Hanson.Andrew@epa.gov>; Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>
Cc: Bowles, Jack <Bowles.Jack@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>
Subject: RE: **Attorney Client / Deliberative Process Ex. 5**

Andy:

Attorney Client / Deliberative Process / Ex. 5

Andrew Simons
Assistant General Counsel
Regulatory Issues Practice Group
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-3649

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Please consider the environment before printing this email.

From: Hanson, Andrew

Sent: Thursday, July 06, 2017 2:46 PM

To: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>

Cc: Bowles, Jack <Bowles.Jack@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>

Subject: **Attorney Client / Deliberative Process Ex. 5**

Hi Carol Ann, Mark and Andy –

Attorney Client / Deliberative Process / Ex. 5

Attorney Client / Deliberative Process / Ex. 5

From: Siciliano, CarolAnn

Sent: Tuesday, June 27, 2017 1:31 PM

To: Hanson, Andrew <Hanson.Andrew@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Goodin, John <Goodin.John@epa.gov>

Cc: Talty, Mark <Talty.Mark@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Hammitt, Jennifer <Hammitt.Jennifer@epa.gov>; Green, Noelle <Green.Noelle@epa.gov>

Subject: Attorney Client / Deliberative Process Ex. 5

Andy, Jack & John –

Attorney Client / Deliberative Process / Ex. 5

Attorney Client / Deliberative Process / Ex. 5

Carol Ann Siciliano
Associate General Counsel
Cross-Cutting Issues Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-5489
siciliano.carolann@epa.gov

From: Hanson, Andrew

Sent: Wednesday, June 14, 2017 1:33 PM

To: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>

Cc: Talty, Mark <Talty.Mark@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>

Subject: RE: Attorney Client / Deliberative Process Ex. 5

Attorney Client / Deliberative Process Ex. 5

From: Siciliano, CarolAnn

Sent: Wednesday, June 14, 2017 12:38 PM

To: Hanson, Andrew <Hanson.Andrew@epa.gov>

Cc: Talty, Mark <Talty.Mark@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>

Subject: RE: Attorney Client / Deliberative Process Ex. 5

Attorney Client / Deliberative Process Ex. 5

Carol Ann Siciliano

ED_001271B_00067862-00004

WOTUS_Rule_FOIA_s_0030737

Associate General Counsel
Cross-Cutting Issues Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-5489
siciliano.carolann@epa.gov

From: Hanson, Andrew
Sent: Wednesday, June 14, 2017 11:38 AM
To: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>
Cc: Talty, Mark <Talty.Mark@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Subject: RE: **Attorney Client / Deliberative Process Ex. 5**

Attorney Client / Deliberative Process Ex. 5

From: Siciliano, CarolAnn
Sent: Friday, June 09, 2017 1:49 PM
To: Hanson, Andrew <Hanson.Andrew@epa.gov>
Cc: Talty, Mark <Talty.Mark@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>
Subject: Re: **Attorney Client / Deliberative Process Ex. 5**

Attorney Client / Deliberative Process / Ex. 5

Carol Ann Siciliano
Associate General Counsel
Cross-Cutting Issues Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-5489

On Jun 9, 2017, at 1:14 PM, Hanson, Andrew <Hanson.Andrew@epa.gov> wrote:

Hi Carol Ann

Thank you for getting back with us.

Attorney Client / Deliberative Process / Ex. 5

Attorney Client / Deliberative Process / Ex. 5

From: Siciliano, CarolAnn
Sent: Friday, June 09, 2017 12:31 PM
To: Hanson, Andrew <Hanson.Andrew@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>
Cc: Bowles, Jack <Bowles.Jack@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>
Subject: RE: **Attorney Client / Deliberative Process Ex. 5**

Attorney Client / Deliberative Process Ex. 5

Attorney Client / Deliberative Process / Ex. 5

Carol Ann Siciliano
Associate General Counsel
Cross-Cutting Issues Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-5489
siciliano.carolann@epa.gov

From: Hanson, Andrew
Sent: Thursday, June 08, 2017 6:15 PM
To: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>
Cc: Bowles, Jack <Bowles.Jack@epa.gov>
Subject: **Attorney Client / Deliberative Process Ex. 5**

Hi Carol Ann and Mark –

Attorney Client / Deliberative Process / Ex. 5

Many thanks,

Message

From: Brush, Jason [Brush.Jason@epa.gov]
Sent: 7/7/2017 11:37:53 PM
To: Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]; Downing, Donna [Downing.Donna@epa.gov]
Subject: FW: FYI - NV Gov. Sandoval letter to Administrator Pruitt and ACOE on WOTUS
Attachments: Gov. Brian Sandoval - Letter to Administrator Scott Pruitt on WOTUS - AL....pdf

Very likely you rec'd through other channels, but I know that an "OW response" mark on a wetlands item doesn't always necessarily mean you guys saw it...

Jason A. Brush
Supervisor, Wetlands Section
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street (WTR-2-4)
San Francisco, CA 94105

~~~~~

**desk: 415.972.3483**

~~~~~

From: Maier, Brent
Sent: Friday, June 30, 2017 10:35 AM
To: Torres, Tomas <Torres.Tomas@epa.gov>; Montgomery, Michael <Montgomery.Michael@epa.gov>; Woo, Nancy <Woo.Nancy@epa.gov>; Brush, Jason <Brush.Jason@epa.gov>; Amato, Paul <Amato.Paul@epa.gov>
Cc: Miller, Amy <Miller.Amy@epa.gov>; Strauss, Alexis <Strauss.Alexis@epa.gov>; Jordan, Deborah <Jordan.Deborah@epa.gov>; PerezSullivan, Margot <PerezSullivan.Margot@epa.gov>; Zito, Kelly <ZITO.KELLY@EPA.GOV>; Glenn, William <Glenn.William@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>; Kermish, Laurie <Kermish.Laurie@epa.gov>; Spiegelman, Nina <Spiegelman.Nina@epa.gov>
Subject: FYI - Gov. Brian Sandoval - Letter to EPA Administrator Scott Pruitt and ACOE on WOTUS - No Region 9 Action Required

All –

Please find attached an incoming letter from Nevada Governor Brian Sandoval dated June 19, 2017 to EPA Administrator Scott Pruitt and ACOE on WOTUS. **This letter will be responded to by HQ Office of Water and no Region 9 action is required.**

Brent Maier
Congressional Liaison
U.S. Environmental Protection Agency, Region IX
75 Hawthorne St. (OPA-3)
San Francisco, CA 94105
Ph: 415.947.4256

To: Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; Jennifer.A.Moyer@usace.army.mil[Jennifer.A.Moyer@usace.army.mil]; Jensen, Stacey M CIV USARMY HQDA (US)[Stacey.M.Jensen@usace.army.mil]; Cindy Barger[cindy.s.barger.civ@mail.mil]; Goodin, John[Goodin.John@epa.gov]; Downing, Donna[Downing.Donna@epa.gov]; Christensen, Damaris[Christensen.Damaris@epa.gov]; McDavit, Michael W.[Mcdavit.Michael@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Kupchan, Simma[Kupchan.Simma@epa.gov]
Cc: Chemerys, Ruth[Chemerys.Ruth@epa.gov]; Gude, Karen[Gude.Karen@epa.gov]; Evalenko, Sandy[Evalenko.Sandy@epa.gov]; Wesson, Dolores[Wesson.Dolores@epa.gov]; Peterson, Carol[Peterson.Carol@epa.gov]
From: Kwok, Rose[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D3D2987BA8F246A5A9E37773201FD180-KWOK, ROSE]
Sent: Tue 6/27/2017 6:30:23 PM (UTC)
Subject: Pre-publication version of the Proposed Rule
[WOTUS prepublication version.pdf](#)

Hi Folks,

Here is the pre-publication version of the proposed rule. It will be posted on the website once the Army signs the document.

Rose Kwok
U.S. Environmental Protection Agency
Oceans, Wetlands, and Communities Division
kwok.rose@epa.gov
202-566-0657

To: Weinstock, Larry[Weinstock.Larry@epa.gov]
Cc: Downing, Donna[Downing.Donna@epa.gov]; Christensen, Damaris[Christensen.Damaris@epa.gov]
From: Kwok, Rose
Sent: Thur 6/22/2017 3:32:59 PM
Subject: FW: Questions about WOTUS studies from 2006 onward

Larry – here's the latest in our conversations with Simma.

From: Kwok, Rose
Sent: Thursday, June 22, 2017 11:31 AM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>
Subject: RE: Questions about WOTUS studies from 2006 onward

I have a meeting at 1:30

Deliberative Process / Attorney Client Ex. 5

Deliberative Process / Attorney Client Ex. 5

From: Kupchan, Simma
Sent: Thursday, June 22, 2017 11:24 AM
To: Downing, Donna <Downing.Donna@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>
Subject: RE: Questions about WOTUS studies from 2006 onward

Thanks very much, Donna and Rose. With respect to

Deliberative Process / Attorney Client Ex. 5

Deliberative Process / Attorney Client Ex. 5

There is a meeting on this from 1:30-2 today. If either of you are free, it would be great to have at least one of you attend, but if you are really busy, which I totally understand, I can just represent what you have mentioned in your emails to me.

Simma Kupchan

Water Law Office

US EPA Office of General Counsel

William Jefferson Clinton Building North Room 7426Q

(p) 202-564-3105

From: Downing, Donna

Sent: Wednesday, June 21, 2017 10:31 PM

To: Kwok, Rose <Kwok.Rose@epa.gov>

Cc: Kupchan, Simma <Kupchan.Simma@epa.gov>

Subject: Re: Questions about WOTUS studies from 2006 onward

Deliberative Process / Attorney Client Ex. 5

Donna

Sent from my iPhone

On Jun 21, 2017, at 3:46 PM, Kwok, Rose <Kwok.Rose@epa.gov> wrote:

Hi Simma,

Deliberative Process / Attorney Client Ex. 5

Deliberative Process / Attorney Client Ex. 5

Deliberative Process / Attorney Client Ex. 5

Donna – can you think of anything?

From: Kupchan, Simma

Sent: Wednesday, June 21, 2017 1:50 PM

To: Kwok, Rose <Kwok.Rose@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>

Subject: FW: Questions about WOTUS studies from 2006 onward

Hi ladies,

I don't know if Mindy or Larry has forwarded you the questions I highlighted below, but if they haven't, do you have a sense as to where to start in answering them? And is there someone else who should be roped in?

Thank you!

Simma Kupchan

Water Law Office

US EPA Office of General Counsel

William Jefferson Clinton Building North Room 7426Q

(p) 202-564-3105

From: Kupchan, Simma
Sent: Wednesday, June 21, 2017 1:45 PM
To: Rementer, Nicole <rementer.nicole@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Speir, Jeffrey <speir.jeffrey@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Weinstock, Larry <Weinstock.Larry@epa.gov>
Cc: Kwok, Rose <Kwok.Rose@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>
Subject: Questions about WOTUS studies from 2006 onward

Nicole,

Thanks for flagging these issues for us, and all of your work on these requests! It looks like OWOW would be the office most knowledgeable about these questions. I know Mindy is unavailable this afternoon and tomorrow, so I just wanted to confirm that **OWOW will be able to consider the questions highlighted below for tomorrow's meeting.** (Larry or Mindy, I apologize if I am duplicating your efforts.)

Simma Kupchan

Water Law Office

US EPA Office of General Counsel

William Jefferson Clinton Building North Room 7426Q

(p) 202-564-3105

From: Rementer, Nicole
Sent: Tuesday, June 20, 2017 3:01 PM
To: Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Speir, Jeffrey <speir.jeffrey@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Weinstock, Larry <Weinstock.Larry@epa.gov>
Subject: WOTUS Rule Review FEAT FOIAs (2017-006016, 2017-006341)

Good afternoon, all:

This email is a status update on the WOTUS Rule Review FOIA project, and an inquiry to the group about a couple of items that have popped up recently that need some team input.

Items Requiring Team Input:

1. Southern Environmental Law Center has filed a FOIA request, see attached, seeking records relating to studies, reports, analyses, etc. that compare the waters included by each of the *Rapanos* tests and the Clean Water Rule. SELC seeks records going back to June 19, 2006. The time period is far broader than the scope of the search for the Earthjustice and Center for Biological Diversity requests, but the SELC request is somewhat specific about the types of records sought.

- Some questions for the group:

Deliberative Process / ACP Ex. 5

2. OEI prepared the Pre-Case Analysis on the eDiscovery search, and roughly 47,000 items came back as hits to our search. The database is likely going to be ready around the end of the month/early July. Please start thinking about how many people your respective program office can provide to be members of the review team. Once everyone identifies the review team members, we can determine the specific training and Relativity user account needs. If each program office could identify their members of the review team by June 30th, that would be extremely helpful.

Status Updates

Denise and I held a call with Janette Brimmer (Earthjustice) on Friday to clear up some possible confusion on the requester's part about our interpretation of the request and to let her know that despite our differences on whether the inclusion of "related to" in the request is proper, we are diligently processing the request. She appreciated our discussion and our response to her concerns, and we will follow up with her on the status of the search and when an interim release can be expected on July 7th.

Deliberative Process / ACP Ex. 5

I will see if I can schedule a time this week to discuss the new SELC request. I will be **Personal Matters / Ex. 6** but if there are any questions or issues needing immediate attention, Denise can lend a hand. In the meantime, please don't hesitate to reach out with any questions or concerns!

Nicole M. Rementer

Attorney-Adviser | FOIA Expert Assistance Team (FEAT)

U.S. Environmental Protection Agency | Office of General Counsel

7426NN WJCN | 202.564.3692

rementer.nicole@epa.gov

<fact_sheet_summary_final_1.pdf>

To: Kwok, Rose[Kwok.Rose@epa.gov]; Downing, Donna[Downing.Donna@epa.gov]
From: Kupchan, Simma
Sent: Thur 6/22/2017 3:32:44 PM
Subject: RE: Questions about WOTUS studies from 2006 onward

Ok, thanks, Rose. I will convey this.

And thanks for the other invite. I am hoping the 1:30 meeting can be pretty quick, so I'll join the scenarios meeting as soon as it's over.

Simma Kupchan

Water Law Office

US EPA Office of General Counsel

William Jefferson Clinton Building North Room 7426Q

(p) 202-564-3105

From: Kwok, Rose
Sent: Thursday, June 22, 2017 11:31 AM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>
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US EPA Office of General Counsel

William Jefferson Clinton Building North Room 7426Q

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US EPA Office of General Counsel

William Jefferson Clinton Building North Room 7426Q

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Deliberative Process / ACP Ex. 5

Deliberative Process / ACP Ex. 5

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Ex. 5 - Deliberative Process/ACP

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Nicole M. Rementer

Attorney-Adviser | FOIA Expert Assistance Team (FEAT)

U.S. Environmental Protection Agency | Office of General Counsel

7426NN WJCN | 202.564.3692

rementer.nicole@epa.gov

<fact_sheet_summary_final_1.pdf>

To: Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]
Cc: Downing, Donna[Downing.Donna@epa.gov]; Kupchan, Simma[Kupchan.Simma@epa.gov]; McDavit, Michael W.[Mcdavit.Michael@epa.gov]
From: Christensen, Damaris[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E04107C23C1043D6967754064C477A29-CHRISTENSEN, DAMARIS]
Sent: Tue 6/20/2017 8:09:54 PM (UTC)
Subject: papers for forwarding

Deliberative Process / Attorney Client / Ex. 5

Mindy, per the staff discussion today, attached are revised versions of two topics of discussion at tomorrow’s WOTUS meeting. Sharepoint links follow as well.

Deliberative Process / Attorney Client / Ex. 5

Nonresponsive Internal URL/ Ex. 6

Deliberative Process / Attorney Client / Ex. 5

Nonresponsive Internal URL/ Ex. 6

To: Hough, Palmer[Hough.Palmer@epa.gov]
Cc: Kwok, Rose[Kwok.Rose@epa.gov]; Downing, Donna[Downing.Donna@epa.gov]
From: Emily McGlynn
Sent: Mon 6/19/2017 7:18:32 PM
Subject: Re: Question about analysis for WOTUS rulemaking

Thank you - Rose and Donna let me know if my question isn't clear, thanks for any reactions.
Best,
Emily

On Mon, Jun 19, 2017 at 12:15 PM, Hough, Palmer <Hough.Palmer@epa.gov> wrote:

Emily

It's great to hear from you. I'm forwarding your question to some of my colleagues who work more directly on the WOTUS issue. Perhaps they know if this kind of analysis has or is planned to be done.

-Palmer

From: Emily McGlynn [mailto:emily.mcglynn@teplp.com]
Sent: Monday, June 19, 2017 2:06 PM
To: Hough, Palmer <Hough.Palmer@epa.gov>
Subject: Question about analysis for WOTUS rulemaking

Hi Palmer - we met at the ERBA policy conference in DC a few months back, Dave Groves introduced us (he and I worked at CEQ together last term). Hope you're doing well. I'm asking around to see if any one is assessing the geographic area of aquatic resources under the various potential WOTUS definitions that EPA is considering for step 2 of the Clean Water Rule rollback. Trying to understand the potential change in protected area if going from a Scalia/Kennedy interpretation to just a Scalia interpretation, if I'm understanding all of this correctly. Do you know if anyone is working on this and/or whether it will be part of the rulemaking process? Happy to talk by phone if that's easier, [202 487 8136](tel:2024878136).

Best,

Emily

--

Emily McGlynn | Director for Strategy and Policy | The Earth Partners

4849 Connecticut Avenue NW, Washington DC 20008
(202) 487-8136

www.theearthpartners.com



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Emily McGlynn | Director for Strategy and Policy | The Earth Partners

4849 Connecticut Avenue NW, Washington DC 20008
(202) 487-8136

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To: Dravis, Samantha[dravis.samantha@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
From: Bennett, Tate
Sent: Tue 6/27/2017 10:51:05 PM
Subject: FW: Statements thru 6:30pm

FYI on WOTUS

From: Konkus, John
Sent: Tuesday, June 27, 2017 6:29 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: Statements thru 6:30pm

Additions noted with an asterisk*. If I missed any, let me know and I'll add them in tomorrow.

***Governor Kim Reynolds (IA):** "Waters of the United States was a significant and severe case of government overreach by the Obama administration. I want to thank Secretary Pruitt for recognizing that WOTUS forced onerous and unnecessary burdens on Iowa's farmers and businesses. I also want to express my appreciation to the Trump administration for its continuing commitment to work with states, not against them."

***Governor Sam Brownback (KS):** "The Clean Water Rule was another example of bureaucrats in Washington, D.C. trying to run Kansas farms and ranches. Our state is a leader in water innovation, and Kansans have come together through community-led water preservation efforts spurred by our 50-year Water Vision. Our farmers and ranchers know best how to steward their water. We appreciate that President Trump and the EPA will now let our farmers farm and ranchers ranch."

***Governor Eric Greitens (MO):** "When we took office, we asked our farmers and ranchers what we could do to fight for them. One of the things we heard is that they needed our help to push back against Obama's Waters of the US regulations. Well, we took that message to Washington D.C. and the good news is they've heard us. They've heard that Obama's Waters of the US regulations are hurting family farmers."

Governor Pete Ricketts (NE): “Thank you to President Trump and Administrator Pruitt for delivering on your promise to roll back this job-killing regulation. This policy returns federal oversight of intra-state waterways to pre-2015 standards, respects the rights of private land owners and states, and provides for ample protection of clean water. Removing this threat to our state’s top industries gives Nebraska the freedom to grow more opportunities for the next generation in the areas of agriculture and manufacturing.”

Steve Nelson, Common Sense Nebraska: “Today, countless farmers, ranchers, homebuilders, manufacturers, county governments, golf courses, and small businesses are loudly celebrating the demise of EPA’s proposed WOTUS rule. For over two years, our coalition which represents the very industries who would have had to bear the brunt of this federal land grab, have worked tirelessly to stop this breathtaking assumption of authority by the federal government that flies in the face of Congressional intent, legal precedents, and even science. We want to thank the Trump Administration and EPA Administrator Pruitt specifically for now going back to the drawing board to write a new rule that actually protects water without trampling the rights of businesses and state regulatory agencies.”

Greg Ibach, Director of the Nebraska Department of Agriculture: “I applaud the Trump Administration and Secretary Pruitt’s announcement to walk away from the previous administration’s WOTUS rule and begin the process to develop a new rule. The expansive reach and inability to determine what water or land may fall under jurisdiction under the existing regulation puts Nebraska’s agriculture industry in jeopardy. Our farmers and ranchers have proven to be thoughtful stewards of our land and resources, and jurisdiction of those resources should be the responsibility of the states. I look forward to the development of a new rule, founded in common sense, that will support Nebraska’s ability to protect our water and land resources.”

***Arkansas Attorney General Leslie Rutledge:** “The full rescindment of this unlawful rule is a big win for Arkansas landowners. WOTUS has been enjoined because of the work of attorneys general, and today’s action shows a clear signal that the EPA is returning to its core mission. I look forward to working with the agency as it works to draft a new, lawful rule that protects our waters and does not harm our farmers and ranchers, who continue to be the first conservationists.”

***Wisconsin Attorney General Brad Schimel:** “We fully support the proposed rule signed by EPA Administrator Pruitt today as a significant step in the direction of withdrawing the unlawful WOTUS rule. The WOTUS rule asserts sweeping federal authority over usually dry channels, roadside ditches, and isolated streams. The rule also asserts federal authority over land covered by water only once every one hundred years. We look forward to EPA’s final action withdrawing the WOTUS rule and providing relief for our states and their citizens.”

***Ryan Quarles, Kentucky Agriculture Commissioner:** “I applaud EPA Administrator Scott Pruitt’s decision to propose a repeal of the destructive Obama-era ‘Waters of the United States’ rule. By requiring every puddle and pond to be subject to federal regulation, WOTUS represents exactly how executive overreach from Washington can harm Kentucky farmers and all of rural America. Earlier this year, I met with Administrator Pruitt to ask him to repeal this rule, and to uphold the law in the spirit of cooperative federalism between the national and state governments. I am proud to stand with President Trump and Administrator Pruitt as they work to undo the harmful rules and regulations enacted by the previous administration.”

Chairman of the Senate Environment and Public Works Committee, Senator John Barrasso (WY): “The WOTUS rule would have put backyard ponds, puddles, and prairie pot holes under Washington’s control. I applaud the Trump administration for working to remove this indefensible regulation. I will continue to work closely with the administration as it seeks commonsense ways to keep America’s water clean and safe.”

Senator Deb Fischer (NE): “Today’s announcement from the administration signals another important step toward full removal of the harmful WOTUS rule. All Nebraskans would have been affected by the far-reaching consequences of this misguided policy. I will continue to monitor the WOTUS withdrawal process to help ensure we see common-sense rulemaking that puts Nebraskans in charge of the decisions involving our state’s water resources.”

Senator Steve Daines (MT): “Today marks the beginning of restoring private property rights while protecting our environment. Out of state D.C. bureaucrats shouldn’t impose regulations that hurt Montana farmers, ranchers and landowners.”

***Senator Chuck Grassley (IA):** “This is great news for accountability in government. This was a bad regulation drafted under a bad process. The EPA over-reached its authority and ignored and manipulated legitimate concerns raised by the public. Farmers, land owners and builders in Iowa struggled to make sense of the regulation. Having the federal EPA and the Corps of Engineers require permits for routine land use decisions is a waste of resources that are better used enforcing existing regulations against discharging pollutants into the nation’s waterways. Agencies ought to enforce the laws as Congress intended, not stretch beyond their authority to inflict unnecessary expense and red tape on law-abiding farmers and employers.”

Senator Joni Ernst (IA): “I am pleased that the Trump administration is taking another important step toward eliminating this burdensome WOTUS rule. In Iowa, 97 percent of the land is subject to extensive overregulation by the EPA and unnecessarily hamstringing our farmers, businesses and manufacturers. All across Iowa, folks are calling for this rule to be scrapped,

which is why I have led efforts in the Senate to do just that. This is good news for Iowa and rural communities across the country as we move closer to finally eliminating this overreaching rule.”

Chairman of the Senate Committee on Agriculture, Nutrition, and Forestry, Senator Pat Roberts (KS): “I’m pleased Administrator Pruitt and the EPA has listened to our concerns and has taken an important first step to rescind the infamous WOTUS rule. For too long, this rule has burdened not only farmers and ranchers, but landowners of all sizes, across the country. With a rewrite of the WOTUS rule, I look forward to seeing a rule that recognizes and respects the environmental strides taken by the American farmer and rancher. I’m grateful to have an EPA that listens to and addresses the concerns of rural America, a vital segment of our economy and true stewards of our natural resources.”

Speaker of the U.S. House, Paul Ryan: “The West has finally won in the battle over the Obama administration’s WOTUS rule. This regulation would have been a disaster for the West and rural communities across the country, giving Washington near-total control over water resources. The livelihoods of American farmers, ranchers, and entrepreneurs were at stake. I applaud the Trump administration for siding with American jobs and rescinding this harmful rule.

***Chairman of the House Science Committee, Rep. Lamar Smith (TX):** “Clean water is a necessity for all Americans. Today’s decision by EPA and the Army Corps of Engineers to go back to the basics and build a better policy with input from local stakeholders puts the power back in the hands of the people. The Obama administration imposed heavy-handed federal regulations on virtually every private and public lake, pond and stream across the country. A full repeal of this rule will further protect private landowners and farmers from federal regulatory overreach. I look forward to a policy that actually helps protect clean water without unnecessary regulation.”

***Chairman of the House Natural Resources Committee Rob Bishop (UT):** “This rule aggrandized federal bureaucrats at the expense of farmers’ water and private property rights. EPA’s decision to stay and now rescind WOTUS is another welcome act from the Trump Administration to return power back to the states and untangle harmful Washington excesses.”

***U.S. Rep. Mike Bost (IL):** “Turning back WOTUS is a clear win for Southern Illinois’ hardworking farmers, ranchers, construction workers, and manufacturers. The Obama Administration’s WOTUS rule was a federal power grab of epic proportions, expanding EPA control to puddles, ditches and farmland ponds across America. That’s why I have fought so hard to eliminate this misguided rule. We must be good stewards of the environment, but we can do so without imposing crushing D.C. regulations that will put Southern Illinois’ economy at risk and impact millions of rural Americans.”

U.S. Rep. Paul Gosar (AZ): “Today’s announcement is excellent news for communities throughout the country. The Obama Administration threatened the very livelihoods of farmers, ranchers, small businesses and water users when unilaterally enacting the job-killing WOTUS Rule by executive fiat. The Trump Administration has already made great strides in rolling back this unconstitutional mandate and I am thrilled to see EPA Administrator Pruitt continue that good work with today’s proposed rule. Western Caucus members look forward to working closely with the administration to put a nail in the coffin of Gina McCarthy’s water grab.”

U.S. Rep. Scott Tipton (CO): “This announcement from Administrator Pruitt is welcome news. State law and priority-based systems have ensured clean, safe, and reliable water supplies for over a century in Colorado and the West. The WOTUS rule would have usurped long-held state water law and threatened access to private water rights. Western water users will now have much needed certainty while the EPA re-writes the definition of ‘Waters of the United States.’”

U.S. Rep. Dan Newhouse (WA): “I applaud the action taken by the EPA and U.S. Army Corps of Engineers to follow up on President Trump’s order to review the intrusive and overreaching Waters of the United States rule. I look forward to working with my colleagues and EPA Administrator Pruitt to replace the ill-conceived WOTUS rule with a commonsense proposal that protects clean water, as well as the water and property rights of farmers, ranchers, small businesses, and water users across the country.”

U.S. Rep. Steve Pearce (NM): “This is great news for stronger job growth throughout New Mexico. Under the WOTUS Rule, Washington bureaucrats were given complete authority to regulate small streams along with natural and manmade ditches on lands owned by farmers, ranchers, and small businesses. This unlawful expansion of power proposed by the Obama Administration would drive up costs for landowners and cost thousands of jobs. I’m pleased to see the EPA and the Army Corps of Engineers recommit to strengthening rural economies.”

U.S. Rep. Bruce Westerman (AR): “I am happy that the administration has listened to the concerns of those most impacted by this egregious, unconstitutional overreach by the Environmental Protection Agency. The decision to withdraw the previous administration’s WOTUS rule is a win for private property rights and will have a positive impact on farmers, ranchers, and other job creators.”

U.S. Rep. Cathy McMorris Rodgers (WA): “WOTUS is one of the most burdensome EPA rules of the Obama Administration. You think about the impact it’s had on rural communities, on our cattlemen and farmers—it’s making it more and more difficult for hardworking Americans to be successful. It’s something I’ve heard about frequently in Eastern Washington. Thank you to

President Trump and his administration for taking action to ensure this rule no longer targets our rural communities.”

U.S. Rep. Tom Emmer (MN): “I am pleased with today’s actions by the Trump Administration to repeal the harmful and overly burdensome WOTUS rule. While there is still work to be done to redefine WOTUS, this step gives our nation’s farmers, manufacturers and home builders greater certainty and gets the federal government out of their way. This is a welcome move that will benefit our economy today and for years to come.”

U.S. Rep. Doug Lamborn (CO): “The previous administration used the vague language in the WOTUS Rule to harm local communities—including ranchers, farmers, small business owners. I am grateful that this new ruling will establish regulatory certainty and restore order to state and tribal water laws that should have jurisdiction over these bodies of water. I look forward to a revision of this rule that will empower local landowners instead of giving power solely to the federal government.”

U.S. Rep. Mike Johnson (LA): “The so called ‘WOTUS Rule’ was a gross overreach by the Obama Administration and put mud puddles and backyard ditches under government control. Farmers and every day Americans all across the country have been subjected to new, burdensome regulations that kill jobs and further hinder the economy. Removing this rule will restore common sense to water regulation and return power back to the states and to the people.”

***U.S. Rep. Rick Allen (GA):** “The WOTUS rule was flawed from the beginning, and I applaud EPA Administrator Scott Pruitt’s action to rescind this regulation. WOTUS was yet another attempt by the previous administration to undermine the rights of states, local governments and landowners by allowing the federal government to regulate backyard streams and puddles. Our farmers work each and every day to care for our land and preserve it for generations to come. I am happy to see the Trump Administration empowering America’s farmers and taking another step towards removing the overreaching hand of government from their everyday lives. In February, I introduced H.R. 1105, legislation to repeal the WOTUS rule and now that the EPA has rescinded the rule, Congress must codify this language to ensure WOTUS can never become a reality under any future administrations.”

***U.S. Rep. Doug LaMalfa (CA):** “The job-killing WOTUS Rule was one of the most egregious regulations implemented by the Obama Administration and former EPA Administrator Gina McCarthy. The repeal of this mandate is nothing short of a victory for private property rights across the country. Many in California’s first district have expressed their frustrations with this rule, such as California farmer John Duarte, who faces millions of dollars in fines under this rule – simply for plowing his fields. We have more work to be done, but I am thankful President

Trump and EPA Administrator Scott Pruitt have shown a commitment to fighting this type of over-burdensome regulation that was indicative of the previous administration's power grabs."

U.S. Rep. Raul Labrador (ID): I applaud the Trump administration for continuing to roll back excessive regulations that are harming Idaho's businesses and communities. I strongly opposed the previous administration's 'WOTUS' rule and I worked with my colleagues on a legislative fix. Regulatory reform is critical to Idaho's economy, and I appreciate the administration for continuing to show leadership on these types of issues."

U.S. Rep. Martha McSally (AZ): "WOTUS is a sweeping regulation written by unelected bureaucrats that would give the EPA jurisdiction over any type of body of water on private land—lakes, ponds, creeks, and even desert washes. I have heard from countless small businesses, farmers, and ranchers that this rule prevents them from doing their job, which is why I led dozens of my colleagues in Congress in writing to the Administration in February urging the President to reverse this rule for the sake of Southern Arizona and communities throughout the United States. I am pleased with the EPA's decision to repeal the harmful WOTUS rule—and I know that Americans across the country are relieved by this news."

U.S. Rep. Lee Abraham (LA): "I represent one of the largest row crop districts in the nation, and nearly every farmer I talk to wants this rule repealed. As an active farmer myself, I understand and share their frustrations with WOTUS. Today's news is a welcomed relief for farmers around this country, and I thank President Trump and Administrator Pruitt for the actions they've taken so far to repeal this terrible rule."

U.S. Rep. Roger Marshall (KS): "I commend and thank the Trump Administration for their decisive and effective actions to repeal the misguided Waters of the United States rule. Kansas farmers, ranchers, businesses and even municipalities know all too well, WOTUS dramatically expanded the reach of the federal government with minimal improvements in water quality. Today's announcement serves as a tremendous relief to Kansans and provides the regulatory certainty we need to grow. This is yet another exciting step in fulfilling this Administration and Congress' promise to return government to its proper role."

U.S Rep. Louie Gohmert (TX): Washington bureaucrats in cubicles should not be deciding the fate of our waterways, nor should they be allowed to completely and arbitrarily control the economic fate of landowners even to the point of ending their ability to make a living. Unelected bureaucrats have, for years, been enviously dreaming of the day they could control American landowners' property by the backdoor methods of completely controlling everything involving water on or near the land. Repealing the Obama Administration's WOTUS Rule is essential in getting the federal government out of everyday farming operations. It is neither right nor fair to subject producers and landowners to jurisdictional protocols and extraordinary levels of

compliance charges. Today the EPA took a giant step forward in safeguarding the water rights of hard-working Americans and ending the federal power grab the Obama Administration engineered. It is a victory for those who love liberty and something called private property.”

U.S. Rep. Andy Biggs (AZ): I applaud Administrator Pruitt for his proposal to repeal the Waters of the United States (WOTUS) Rule, which was one of the most onerous rules from the Obama administration. WOTUS was opposed by over 200 organizations and local communities and would have had devastating effects on western states, including Arizona. This action provides another example that the Trump administration favors freedom and prosperity for our economy over regulatory outreach, and we join the administration in their efforts.”

U.S. Rep. Doug Collins (GA): “Northeast Georgia farmers, ranchers, and small businesses are natural conservationists who have been overburdened by the illogical Waters of the United States regulation. I applaud the Army Corps of Engineers and Environmental Protection Agency for their move to repeal the WOTUS rule in favor of statutes that actually serve our communities and steward their natural resources wisely.”

U.S. Rep. Markwayne Mullin (OK): “Since the previous administration put the WOTUS Rule in place, I have been fighting tooth and nail to overturn it. The harmful effects it has on our farmers, ranchers, and small businesses are felt nationwide. Moreover, the WOTUS Rule allowed Washington bureaucrats to regulate the streams and creeks in the backyards of Oklahomans, when in reality these bureaucrats don’t know the first thing about a backyard like mine.” “The rule proposed today by the EPA and Army Corps of Engineers delivers the long overdue relief from this unlawful water grab that our farmers and ranchers desperately need. I’m grateful to EPA Administrator Scott Pruitt for acting swiftly to repeal this misguided rule.”

U.S Rep. Kristi Noem (SD): “Under the Obama-era WOTUS rule, treating your lawn for mosquitos, putting up a fence in your backyard or spraying your crops could become federally regulated activities that carry substantial fines if violations occur – knowingly or unknowingly. The Trump administration is right to propose a repeal.”

U.S Rep. Liz Cheney (WY): “The Clean Water Rule was a power grab by the Obama Administration that attempted to expand federal control and regulations well beyond the initial scope of Waters of the U.S. The rule threatened the loss of precious resources for hardworking ranchers and farmers in Wyoming, and if left unchecked, would have devastated our rural economy. I am pleased to see EPA Administrator Pruitt and the Army Corps of Engineers taking these steps to return power to the states and provide them with regulatory certainty. I also remain committed to working in Congress towards a full repeal of burdensome regulations imposed by the previous administration.”

House Agriculture Committee Chairman K. Michael Conaway (TX-11): “WOTUS has never been about clean water, it was about feeding the Obama EPA’s insatiable appetite for power. Well that ends now. Today’s EPA announcement is an important first step to getting the federal government out of America’s backyards, fields and ditches and restoring certainty and integrity to our regulatory process. But our work isn’t done. As the case of California farmer John Duarte clearly highlights, the Corps and DOJ also need to re-evaluate and revise their enforcement of the Clean Water Act and WOTUS to ensure we protect our farmers and ranchers from onerous fines and penalties that threaten their way of life. I have confidence this administration will get the policy right and allow farmers and ranchers to be the capable stewards of the land they’ve always been.”

U.S. Rep. Bob Gibbs (OH): “I applaud Administrator Pruitt’s announcement to withdraw the Obama-era Waters of the United States rule, which expanded federal authority at the expense of the states and eroded private property rights. The EPA should not treat farmers, ranchers, homebuilders, local governments, or state environmental agencies as adversaries but rather collaborators in drafting a new WOTUS rule. American farmers who feed the world are among those most concerned with protecting our environment. The next WOTUS rule should take their opinions and concerns into account and I look forward to working with Administrator Pruitt to craft a reasonable rule that protects the environment and private property rights at the same time.”

U.S. Chamber of Commerce Senior Vice President for Environment, Technology, and Regulatory Affairs Bill Kovacs: “We commend EPA for taking an analytical approach to repealing and fixing the misguided WOTUS rule. Now, all stakeholders will have an opportunity to provide public comment, and the agency will have the proper time to analyze the input and unwind a confusing rule that impacted America’s businesses, farmers, and land owners. The final WOTUS rule issued by the last administration was unworkable, a fact acknowledged by courts around the country, and amounted to a massive grab of regulatory authority by an EPA that was overreaching. We look forward to working with Administrator Pruitt and his team to craft a rule that protects public health and the environment, while giving clarity and certainty to our nation’s farmers and job creators.”

National Farmers Union (NFU) President Roger Johnson: “Family farmers and ranchers are the stewards of our land, and they understand the importance of clean water today and for future generations. Farmers also need regulatory certainty. NFU was engaged in the WOTUS rulemaking process to ensure family farmers ended up with an appropriate and definitive final rule, yet opposed the final WOTUS rule because it was ultimately an expansion of the Clean Water Act’s jurisdiction. Any new rule should ensure the agriculture community can conduct its business free from fear of undue regulatory interference and without sacrificing the agencies’ ability to protect the United States’ water resources.”

Texas farmer Wesley Spurlock, president of the National Corn Growers Association: “The goal of the Clean Water Act is to restore and maintain the integrity of the nation’s waters. The 2015 rule moved us further away from that goal. Repealing it is an important first step toward providing farmers the certainty and clarity we have long desired. We are thankful this Administration is working to draw clear lines in terms of what is and what is not jurisdictional under the Clean Water Act. In doing so, they will enable farmers to implement best management practices such as grass waterways and buffer strips without the burden of bureaucratic red tape or fear of legal action. These types of land improvements have enormous water quality benefits, such as reducing sediment and nutrient runoff—a win for farmers and the environment. Government should be making these actions easier, not more difficult. We salute the EPA and Army Corps of Engineers for their efforts. We stand committed to working with these agencies as they develop a new rule that defines jurisdictional boundaries in clear terms that are inclusive of the realities of farming.”

National Rural Electric Cooperative Association (NRECA) CEO Jim Matheson: “We appreciate EPA Administrator Pruitt recognizing the need to revisit this overbearing regulation and avoid needless increased costs for millions of electric co-op consumers. As written, the rule would dramatically expand federal oversight of features that only hold water after a rain. This would have increased costs and impaired the ability of co-ops to build and maintain power lines. We encourage EPA and the Army Corps of Engineers to propose a new common-sense rule that recognizes the role of the states, protects the environment, and allows co-ops to continue providing affordable and reliable power.”

Zippy Duvall, president, American Farm Bureau Federation: “Farmers and ranchers across this country are cheering EPA’s proposal today to ditch its flawed Waters of the U.S. rule. We know the importance of clean water, and farmers and ranchers work hard to protect our natural resources every day. But this rule was never really about clean water. It was a federal land grab designed to put a straightjacket on farming and private businesses across this nation. That’s why our federal courts blocked it from going into effect for the past two years. Today’s announcement shows EPA Administrator Pruitt recognizes the WOTUS rule for what it is—an illegal and dangerous mistake that needs to be corrected. Farm Bureau looks forward to supporting Administrator Pruitt’s proposal. EPA should ditch this rule once and for all, go back to the drawing board, and write a new rule that protects water quality without trampling the rights of businesses and the states.”

National Mining Association (NMA) President and CEO Hal Quinn: “This sets in motion a welcome correction to a deeply problematic regulation that ignored the careful balance that Congress struck between federal and state water regulation and Constitutional limits on federal authority. Under the guise of clarifying federal Clean Water Act jurisdiction, the WOTUS rule impermissibly expanded federal jurisdiction to virtually any standing body of water -- from roadside drainage ditches to local green energy projects. We look forward to working with the administration as it replaces the WOTUS rule with environmentally responsible policies that provide regulatory clarity for businesses and proper recognition of state authority to manage water quality as Congress intended.”

Edison Electric Institute (EEI) President Tom Kuhn: "EEI's member companies are committed to a healthy environment and to a clean and affordable energy future. By rescinding the problematic Waters of the United States (WOTUS) rule, EPA Administrator Pruitt and the Army Corps of Engineers have taken an important step to reconsider a rule that, if left unchanged, would have triggered substantial new regulatory requirements for critical electric company operations, creating substantial compliance costs. As EEI and allied stakeholders consistently have noted through comments and through our participation in litigation challenging the current WOTUS rule, our industry supports a new rulemaking that more clearly and narrowly defines which waterbodies are subject to federal jurisdiction, and enhances opportunities to streamline energy infrastructure permitting. We also thank EPA and the Army Corps of Engineers for seeking more input from the states on the rulemaking, and look forward to working with their staffs as they review and revise the regulations."

National Association of State Departments of Agriculture (NASDA) President and Louisiana Commissioner of Agriculture Michael G. Strain: "The EPA has sided with state and local governments, farmers, landowners, and small businesses in their decision to rescind this burdensome regulation. The 2015 rule lacked clarity, and was fraught with procedural concerns and violations of congressional intent, making it necessary to start over with a new rule that protects clean water and respects state regulatory authority. State laws and programs partner with EPA, farmers and ranchers, and local entities to protect clean water every day. We look forward to working cooperatively with the EPA in developing – and eventually implementing – a new rule."

Environmental Council of the States (ECOS) President John Linc Stine, Commissioner of the Minnesota Pollution Control Agency: "Today's proposed rule is a key step in creating an opportunity to develop a regulatory approach to defining waters of the United States in a fully collaborative fashion. We look forward to a productive, results-oriented conversation among states, EPA, the Army Corps of Engineers, and all stakeholders to provide greater regulatory certainty and clarity, and to ensure that waters are protected by an appropriate allocation of state and federal laws, regulations, programs, and resources."

***National Stripper Well Association Chairwoman Darlene Wallace:** "Today's actions by President Trump in repealing the deeply misguided Waters of the United States rule implemented by the last administration gives NSWA membership cause to celebrate the President keeping his promises and working to protect small businesses and oil and gas producers. The terrible impacts facing small oil and gas producers as a result of the over expansive and unnecessary regulation proposed by the previous administration are wiped away putting another promise kept and another sign that relief for American businesses is on the way. NSWA also wants to thank Administrator Pruitt and all the staff at EPA for their hard work in delivering this relief for the American workers."

***American Exploration & Mining Association Executive Director Laura Skaer:** “Our members are greatly encouraged to see the Trump administration undo this unnecessary rule and return states’ authority over water regulation and regulatory certainty that is crucial to a prosperous American mining industry. Mining is ready to get back to work and grow communities. Ending this deeply flawed rule allows us to do just that.”

***National Cattlemen’s Beef Association President Craig Uden:** "This is another great step in the right direction, and the Administration deserves a great deal of credit for injecting some much-needed common sense into our nation's environmental policies. It's important to remember, though, that this rule isn't dead yet. The rulemaking process continues, and NCBA will submit and solicit additional comments on behalf of America's cattle producers so that they finally get the sanity and clarity they need on land use policy."

***Public Lands Council President Dave Eliason:** “We applaud President Trump and Administrator Pruitt for their leadership in repealing the 2015 WOTUS rule. Ranchers in the West are already subject to an elevated level of regulatory overreach, and the WOTUS rule as written would have only made the problem worse. It is reassuring to see the steps that this administration is taking to relieve some of that regulatory burden and provide certainty for our producers.”

John Konkus

Deputy Associate Administrator

Office of Public Affairs

Environmental Protection Agency

Cell: Personal Phone / Ex. 6

To: Ringel, Aaron[ringel.aaron@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]
Cc: Lyons, Troy[lyons.troy@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Konkus, John[konkus.john@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
Sent: Fri 6/23/2017 1:49:00 PM
Subject: RE: RE: RE:

Deliberative Process / Ex. 5

-----Original Message-----

From: Ringel, Aaron
Sent: Friday, June 23, 2017 8:55 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: RE: RE: RE:

Deliberative Process / Ex. 5

-----Original Message-----

From: Bennett, Tate
Sent: Friday, June 23, 2017 8:50 AM
To: Ringel, Aaron <ringel.aaron@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Re: RE: RE:

Deliberative Process / Ex. 5

> On Jun 23, 2017, at 8:46 AM, Ringel, Aaron <ringel.aaron@epa.gov> wrote:
>

Deliberative Process / Ex. 5

>
> -----Original Message-----
> From: Bennett, Tate
> Sent: Friday, June 23, 2017 8:45 AM
> To: Ringel, Aaron <ringel.aaron@epa.gov>
> Cc: Lyons, Troy <lyons.troy@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
> Subject: Re: RE:
>
> Would we be Deliberative Process / Ex. 5 ?
>
>> On Jun 23, 2017, at 8:43 AM, Ringel, Aaron <ringel.aaron@epa.gov> wrote:

>>

>> We could also set it up **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thoughts?

>>

>> -----Original Message-----

>> From: Lyons, Troy

>> Sent: Thursday, June 22, 2017 9:08 PM

>> To: Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>

>> Subject: RE:

>>

>> Awesome. Let us know when it is appropriate to **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

>>

>> -----Original Message-----

>> From: Jackson, Ryan

>> Sent: Thursday, June 22, 2017 9:05 PM

>> To: Bowman, Liz <Bowman.Liz@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>

>> Subject:

>>

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Let's tee up the support and press.

>>

>> Ryan Jackson

>> Chief of Staff

>> U.S. EPA

>> **Ex. 6**

Message

From: Kime, Robin [Kime.Robin@epa.gov]
Sent: 7/13/2017 7:06:02 PM
To: Dravis, Samantha [dravis.samantha@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
Subject: Next Tuesday - Agenda and Materials for Tues/18th ECOS-EPA Leadership Meeting
Attachments: ECOS-EPA Leadership Agenda_7-18-17.docx; ECOS_Cooperative Federalism 2.0_6-12-17.pdf; Memo to ECOS_Oversight_8-30-16.pdf; Principles and Best Practices for Oversight_FINAL_08 22 2016.docx; Prioritizing the Superfund Program Memo 5-22-2017.pdf; ECOS - Pruitt_WOTUS_6-19-17.pdf; ECOS Press Statement on WOTUS Rule WDraw_6-27-17.pdf; ECOS and State Attendees_as of 7-12-17.xlsx

I checked with Tate and she'd like someone to attend this next Tuesday morning – one or both of you or Will can go too. I will ask Will to plan to attend. We'll also clear some or all of your internal meetings then, I wanted to check with you first – just let me know what works best. Thanks.

Hello,

Attached are the following materials for the **Tuesday, July 18** ECOS-EPA Leadership Meeting:

- 1) Agenda for July 18 ECOS-EPA Leadership Meeting
- 2) ECOS' Cooperative Federalism 2.0 paper
- 3) August 30, 2016 Memo on Oversight of State-Delegated Permitting Programs
- 4) Memo Attachment: Principles and Best Practices paper
- 5) May 22, 2017 Memo on Prioritizing the Superfund Program
- 6) June 19, 2017 ECOS letter on WOTUS
- 7) June 27, 2017 ECOS Press Statement on Proposed WOTUS Withdrawal
- 8) List of state participants

To: Dravis, Samantha[dravis.samantha@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]
Cc: Lyons, Troy[lyons.troy@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]
From: Bennett, Tate
Sent: Mon 7/10/2017 9:46:44 PM
Subject: RE: Paragraph for WH on NGA

All- White House Intergov wants to send a federalism doc to NGA (national gov's meeting) and wants EPA to participate. Is there any chance you all can review the below ASAP for accuracy and ultimately inclusion (they want it based on EO's)? It was technically due at COB, but we have asked for additional time. See below:

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Deliberative Process / Ex. 5

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Deliberative Process / Ex. 5

Hi Team IGA,

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> As part of our final push before the NGA summer meeting, we are aiming to put together a 3 to 5 page document summarizing

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

>

> To that end, by 10:00 am EDT on Monday (7/10), please send any submissions to Christopher.Gray@exim.gov for consideration to be included in the highlights/summary document.

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Deliberative Process / Ex. 5

>

> Team IGA will compile on Monday and work with OMB to finalize late Monday/early Tuesday.

>

> This will not only be a good piece to

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

> Also included is an updated contact sheet for reference.

>

> Thanks!

>

> Sincerely,

> Justin, Doug & Team IGA

> <Contact List for IGA Agency Staff.xlsx>

To: Dravis, Samantha[dravis.samantha@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
Cc: Lopez, George[lopez.george@epa.gov]
From: Lovell, Will (William)
Sent: Mon 7/10/2017 11:39:34 AM
Subject: RE: NAM Materials
170710 NAM BP.docx

Our POC just got back to us. Please find attached the updated BP with attendees.

I will print this off and insert it into your schedules.

From: Lovell, Will (William)
Sent: Friday, July 7, 2017 7:55 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Lopez, George <lopez.george@epa.gov>
Subject: NAM Materials

Please find attached the materials for Monday's meeting with the **National Association of Manufacturers**.

Please note: this material is updated from the NAM roundtable on June 20. The NAM POC has been traveling and unavailable to provide an updated list of attendees or topics for this discussion. I will have my laptop over the weekend in case she gets back to me and/or Alex Dominguez.

Will Lovell

Policy Assistant, Office of Policy

U.S. Environmental Protection Agency

(202) 564-5713

Lovell.William@epa.gov

Message

From: Lovell, Will (William) [lovell.william@epa.gov]
Sent: 7/7/2017 11:55:18 PM
To: Dravis, Samantha [dravis.samantha@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
CC: Lopez, George [lopez.george@epa.gov]
Subject: NAM Materials
Attachments: Reg Reform Comments.pdf; 170710_NAM_BP.docx

Please find attached the materials for Monday's meeting with the **National Association of Manufacturers**.

Please note: this material is updated from the NAM roundtable on June 20. The NAM POC has been traveling and unavailable to provide an updated list of attendees or topics for this discussion. I will have my laptop over the weekend in case she gets back to me and/or Alex Dominguez.

Will Lovell

Policy Assistant, Office of Policy
U.S. Environmental Protection Agency
(202) 564-5713
Lovell.William@epa.gov

To: Morris, Madeline[morris.madeline@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; Perrotta, Pasquale[Perrotta.Pasquale@epa.gov]; Chmielewski, Kevin[chmielewski.kevin@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
From: Jackson, Ryan
Sent: Mon 7/3/2017 3:46:35 PM
Subject: RE: Updated schedule for Thursday and Friday
[Alabama and Georgia.pdf](#)

Attached is being updated slightly today for a final schedule. However, I'm unsure who is all going. Will you let me know if the Administrator has asked you to go on this trip so we can get appropriate arrangements, flights, etc?

-----Original Message-----

From: Morris, Madeline
Sent: Monday, July 3, 2017 10:54 AM
To: Graham, Amy <graham.amy@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Perrotta, Pasquale <Perrotta.Pasquale@epa.gov>; Chmielewski, Kevin <chmielewski.kevin@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: FYI: Updated schedule for Thursday and Friday

Here is the Alabama and Georgia line by line.

Will send out a line by line for farther out on the calendar. Just wanted to get those involved with Thursday and Friday the calendar.

To: Greaves, Holly[greaves.holly@epa.gov]
Cc: Dravis, Samantha[dravis.samantha@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
From: Kime, Robin
Sent: Fri 6/30/2017 4:02:18 PM
Subject: Questions for the Record assigned to OP
OP Budget QFRs Final.docx

Hello,

Attached are responses. I hope this is helpful. Just let us know if we can do more.

Thank you.

Robin

From: "Greaves, Holly" <greaves.holly@epa.gov>
Date: June 27, 2017 at 1:45:09 PM EDT
To: "Dravis, Samantha" <dravis.samantha@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>
Cc: "Jackson, Ryan" <jackson.ryan@epa.gov>, "Lyons, Troy" <lyons.troy@epa.gov>
Subject: Questions for the Record assigned to OP

Sam/Brittany,

We have received over 250 questions for the record from members of Congress related to the Administrator's House Budget Hearing. I'm writing to ask your help in crafting responses to 17 of the questions that deal with Policy matters.

Responses need to be returned to me and Troy **by noon on Friday** to meet the congressional deadline.

Attached please find the questions assigned to OP. Thanks in advance for your help!

Holly

To: Dravis, Samantha[dravis.samantha@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]
From: McGartland, Al
Sent: Wed 6/21/2017 3:34:58 PM
Subject: WOTUS

The only significant issues discussed at today's meeting had to do with **Deliberative Process / Ex. 5**
Deliberative Process / Ex. 5 Sarah said she was going to discuss with you and then discuss with Administrator.

For example **Deliberative Process / Ex. 5**
Deliberative Process / Ex. 5

Sarah asked for a recommendation from ow and from OGC and the Corps. No one had any to offer just yet but said they will.

Sent from my iPhone

To: Bolen, Brittany[bolen.brittany@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
From: Greenwalt, Sarah
Sent: Tue 6/20/2017 9:45:57 PM
Subject: FW: Additional materials for Wed. 10:00 WOTUS

Deliberative Process / Ex. 5

Hope one of you will be able to make it! If not, let me know if there are any comments/concerns/thoughts on the OP side that you would like to come from the political level and I'll be happy to relate.

Sarah A. Greenwalt

Senior Advisor to the Administrator

for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722|Cell: **Ex. 6**

Greenwalt.Sarah@epa.gov

From: Eisenberg, Mindy

Sent: Tuesday, June 20, 2017 4:20 PM

To: Shapiro, Mike <Shapiro.Mike@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Peck, Gregory <Peck.Gregory@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; McGartland, Al <McGartland.Al@epa.gov>; Hewitt, Julie <Hewitt.Julie@epa.gov>; Doley, Todd <Doley.Todd@epa.gov>; Evalenko, Sandy <Evalenko.Sandy@epa.gov>; Lamont, Douglas W SES (US) <douglas.w.lamont2.civ@mail.mil>; Schmauder, Craig R SES (US) <craig.r.schmauder.civ@mail.mil>; Cindy Barger <cindy.s.barger.civ@mail.mil>; Moyer,

Jennifer A HQ02 <Jennifer.A.Moyer@usace.army.mil>; Jensen, Stacey M CIV USARMY HQDA (US) <Stacey.M.Jensen@usace.army.mil>; Cooper, David R SES USARMY CEHQ (US) <David.R.Cooper@usace.army.mil>

Subject: Additional materials for Wed. 10:00 WOTUS

Hi All,

Deliberative Process / Ex. 5

Thanks,

Mindy

Mindy Eisenberg

Acting Director, Oceans, Wetlands & Communities Division

Office of Wetlands, Oceans and Watersheds

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW, mailcode 4502T

Washington, DC 20460

(202) 566-1290

eisenberg.mindy@epa.gov

To: Hanson, Andrew[Hanson.Andrew@epa.gov]; Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]
Cc: Wesson, Dolores[Wesson.Dolores@epa.gov]; Christensen, Damaris[Christensen.Damaris@epa.gov]
From: Schaefer-Gomez, Julia
Sent: Wed 7/12/2017 8:49:10 PM
Subject: RE: stats on tribal and federalism letters
[OR-Governor-Brown 2017-06-19.pdf](#)
[UT-Governor-Herbert 2017-06-19.pdf](#)

Hi Drew,

For the Governors:

Damaris, Dolores and I just looked at your list of governor's letters and we see that you are missing two letters that are in the SharePoint (attached here). The letters you haven't counted are Utah (Gov. Herbert) and Oregon (Gov. Brown).

The SharePoint is missing one letter from Governor Reynolds (Iowa) – please send if you have that letter.

The total number of individual governors letters is 18 (and if we add the 3 governor's signatures for the NGA & WGA, *that would make it 21 total signatures from governors*). However, we prefer to file these additional signatures under the “intergovernmental associations” category.

For the Attorney Generals:

There are 2 individual letters received from AGs:

- 1 letter with 20 signatures total
- 1 letter from Mike DeWine (Ohio) who ALSO signed the prior letter, *which is why we have always counted 20 AG signatures total*

Also – we will recount all the letters by the end of this week to give you a final number.

Thanks

Julia & Dolores

From: Hanson, Andrew
Sent: Wednesday, July 12, 2017 4:05 PM
To: Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Cc: Schaefer-Gomez, Julia <Schaefer-Gomez.Julia@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>
Subject: RE: stats on tribal and federalism letters

Without putting too fine a point on it, I counted CA (Brown), MT (Bullock) and SD (Daugaard) only for their signatures for NGA and WGA, respectively. None of the three penned his own letter on WOTUS. Only Mead (WY) wrote on behalf of the state **and** also signed for NGA, hence, yielding 19 gov's signatures.

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Cc: Schaefer-Gomez, Julia <Schaefer-Gomez.Julia@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>
Subject: RE: stats on tribal and federalism letters

WOTUS Commenters as of July 11, 2017

At a glance: 19 Governors (16 individual letters)

NGA letter signed by 2 co-signatories Mead and Brown, with Mead also sending his own letter from WY

WGA letter signed by 2 co-signatories, Bullock and Daugaard

2 Lieutenant Governors

20 Attorneys General (all signed one letter)

18 Intergovernmental Associations

61 cabinet-level state agencies

From: Cory, Preston (Katherine)

Sent: Wednesday, July 12, 2017 3:25 PM

To: Bennett, Tate <Bennett.Tate@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>

Cc: Hanson, Andrew <Hanson.Andrew@epa.gov>

Subject: RE: stats on tribal and federalism letters

I have 20 listed total (please advise if any are missing as this is from master list). Sarah, let me know which you are missing and I will print and deliver to you.

ALASKA

ARIZONA

ARKANSAS

CALIFORNIA

HAWAII

IDAHO

IOWA

KANSAS

MAINE

MISSISSIPPI

MISSOURI

MONTANA

NEBRASKA

NEVADA

NEW HAMPSHIRE

NORTH DAKOTA

SOUTH CAROLINA

SOUTH DAKOTA

VIRGINIA

WYOMING

From: Bennett, Tate

Sent: Wednesday, July 12, 2017 2:42 PM

To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>

Cc: Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Hanson, Andrew
<Hanson.Andrew@epa.gov>

Subject: Fwd: stats on tribal and federalism letters

Preston- can you send us an updated Gov's number? We have over 20.

Sent from my iPhone

Begin forwarded message:

From: "Bowman, Liz" <Bowman.Liz@epa.gov>
Date: July 12, 2017 at 2:08:59 PM EDT
To: "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>, "Ford, Hayley" <ford.hayley@epa.gov>, "Lyons, Troy" <lyons.troy@epa.gov>, "Bennett, Tate" <Bennett.Tate@epa.gov>, "Dravis, Samantha" <dravis.samantha@epa.gov>
Cc: "Jackson, Ryan" <jackson.ryan@epa.gov>
Subject: RE: stats on tribal and federalism letters

This is great; thanks for sharing/pulling this together.

From: Greenwalt, Sarah
Sent: Wednesday, July 12, 2017 2:08 PM
To: Ford, Hayley <ford.hayley@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
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Subject: Fwd: stats on tribal and federalism letters

For our metrics/press purposes.

Sent from my iPhone

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Date: July 12, 2017 at 12:25:54 PM EDT
To: "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>
Subject: stats on tribal and federalism letters

Currently about 31 tribal comment letters

At a glance:

- Most of the written comment letters are from western tribes
- 6 letters are from state/regional/national tribal groups or fish commissions that

represent multiple tribes: National Tribal Water Council, Region 10 RTOC, California Indian Environmental Alliance, Columbia River Inter-Tribal Fish Commission, Great Lakes Indian Fish and Wildlife Commission, Northwest Indian Fisheries Commission

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Federalism

In total **24 meetings** were held from April 19 to June 29, and **156 letters** were received as part of the federalism process. The breakdown of who we heard from is as follows:

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Cc: Wesson, Dolores[Wesson.Dolores@epa.gov]; Christensen, Damaris[Christensen.Damaris@epa.gov]
From: Hanson, Andrew
Sent: Wed 7/12/2017 8:58:29 PM
Subject: RE: stats on tribal and federalism letters

Ahhh.....the disconnect. For OR and UT, **neither** Gov. Kate Brown nor Gov. Gary Herbert signed these letters.....they're merely named on the states' letterhead, so they should not count as gov's.

I'll forward the Kim Reynolds letter.....please forward the individual Mike DeWine (OH AG letter) when you have a moment.

From: Schaefer-Gomez, Julia
Sent: Wednesday, July 12, 2017 4:49 PM
To: Hanson, Andrew <Hanson.Andrew@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Cc: Wesson, Dolores <Wesson.Dolores@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>
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U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW, mailcode 4502T

Washington, DC 20460

(202) 566-1290

eisenberg.mindy@epa.gov

Message

From: Hanson, Andrew [Hanson.Andrew@epa.gov]
Sent: 7/12/2017 6:51:14 PM
To: Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]
CC: Christensen, Damaris [Christensen.Damaris@epa.gov]
Subject: RE: stats on tribal and federalism letters
Attachments: WOTUSFedCommentsByState.docx

If there's undue confusion (opposed to normal/baseline confusion) **20 AGs** (attorneys general) signed onto one letter. **16 governors** wrote in individually. 2 governors signed the NGA letter (one of whom was Matt Mead (WY) who also wrote his own letter) and 2 governors signed the WGA letter.

Tate has all this info, as do Dolores and Julia.

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To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Cc: Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Hanson, Andrew <Hanson.Andrew@epa.gov>
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Washington, DC 20460

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eisenberg.mindy@epa.gov

To: Eargle, Frances[Eargle.Frances@epa.gov]
Cc: Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]
From: Christensen, Damaris
Sent: Thur 6/29/2017 1:19:48 AM
Subject: RE: REMINDER! LGAC Full Committee Meeting, Thursday, June 29th, 2:00-3:00 EST-Call in-
Nonresponsive Conference Code/ Ex. 6 -Agenda and Meeting materials



[Step 1 release TPs adapted from Goodin to WDDs.docx](#)

Fran,

I'm attaching some slightly adapted TPs John circulated to the water division directors yesterday. They may be good background for Troy.

Damaris

From: Eargle, Frances
Sent: Wednesday, June 28, 2017 8:54 AM
To: Christensen, Damaris <Christensen.Damaris@epa.gov>
Subject: RE: REMINDER! LGAC Full Committee Meeting, Thursday, June 29th, 2:00-3:00 EST-Call in-
Nonresponsive Conference Code/ Ex. 6 #-Agenda and Meeting materials

Troy Lyons, AA for OCIR is actually giving a report out. If you think its best Troy can call on Mindy to give the report out. Outreach message would be ideal!

I just don't want it to be redundant since Mindy is giving remarks to SCAS and many will be on both calls.

From: Christensen, Damaris

Sent: Wednesday, June 28, 2017 8:52 AM
To: Eargle, Frances <Eargle.Frances@epa.gov>
Subject: Re: REMINDER! LGAC Full Committee Meeting, Thursday, June 29th, 2:00-3:00 EST-Call in: **Nonresponsive Conference Code/ Ex. 6** -Agenda and Meeting materials

Tate giving the rule update not Mindy? So Mindy just needs to say thanks? Maybe update on outreach?

Sent from my iPhone

On Jun 28, 2017, at 8:23 AM, Eargle, Frances <Eargle.Frances@epa.gov> wrote:

Thanks Damaris! I see where Mindy is giving remarks to the SCAS. That's great! Don't think you mentioned that. But that will work out really great! I have our political AA giving an update on the rule. Hope that is OK.

From: Christensen, Damaris
Sent: Tuesday, June 27, 2017 9:33 PM
To: Eargle, Frances <Eargle.Frances@epa.gov>
Subject: RE: REMINDER! LGAC Full Committee Meeting, Thursday, June 29th, 2:00-3:00 EST-Call in: **Nonresponsive Conference Code/ Ex. 6** -Agenda and Meeting materials

Fran,

A few minor edits/suggestions.

I was reading through again and I think there's a sentence hiding behind Scott Pruitt's picture (line 138ish).

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Line 583: margin looks off

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Also, I'm not sure there should be an apostrophe in "Committee's" in the header, and Rapanos should always be italicized.

From: Eargle, Frances

Sent: Tuesday, June 27, 2017 8:22 PM

To: Andy Beerman <andy@parkcity.org>; Bob Bozien <bobziend@reno.gov>; Brad Pierce <bpierce@auroragov.org>; Cynthia Koehler <ckoehler@marinwater.org>; Dawn Zimmer <dzimmer@hobokennj.gov>; Elizabeth B. Kautz <elizabeth.kautz@ci.burnsville.mn.us>; Hardie Davis <mayordavis@augustaga.gov>; Hector Gonzalez <hgonzalez@ci.laredo.tx.us>; Jacqueline Goodall <**Personal Email / Ex. 6**>;

jwitte@nmda.nmsu.edu; Jill Duson <Personal Email / Ex. 6>; Johnny DuPree
 <mayor@hattiesburgms.com>; Karen Freeman-Wilson <kfreemanwilson@ci.gary.in.us>;
 Kevin Shafer <kshafer@mmsd.com>; Kim Driscoll <kdriscoll@salem.com>; Kitty Barnes
 (<kbarnes@catawbacountync.gov>) <kbarnes@catawbacountync.gov>;
mannajo@clearwater.org; Maria Salas <msalas@chulavistaca.gov>; Mark Stodola
 <mstodola@littlerock.gov>; mayor <mayor@greensburgks.org>; Merceria Ludgood
 <mludgood@mobile-county.net>; Miro Weinberger <mayor@burlingtonvt.gov>; Norm
 Archibald <norm.archibald@abilenetx.com>; Robert Cope <Personal Email / Ex. 6>;
 Rodney Bartlett <rbartlett@peterboroughnh.gov>; Ryan Sundberg
 <rsundberg@co.humboldt.ca.us>; Sal Panto <spanto@easton-pa.gov>; Samara Swanston
 <Personal Email / Ex. 6>; scott.bouchie@mesaaz.gov; Shawn Yanity
 <syanity@stillaguamish.com>; Stephanie Chang <SChang@house.mi.gov>; Steve
 Williams <swilliams@cityofhuntington.com>; Sue Hann <Personal Email / Ex. 6>;
 Susan Anderson <Susan.Anderson@portlandoregon.gov>; Susan Hann
 <Hann.Susan@brevardschools.org>; Terri Goomann <tgoodman@cityofdubuque.org>;
 Tom Sloan <tom.sloan@house.ks.gov>; Victoria Reinhardt
 <Victoria.Reinhardt@co.ramsey.mn.us>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>;
 Richardson, RobinH <Richardson.RobinH@epa.gov>; Cheatham-Strickland, Latonia
 <Cheatham-Strickland.Latonia@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>;
 Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Bowles, Jack
 <Bowles.Jack@epa.gov>; Matthews, Demond <matthews.demond@epa.gov>; Cook-
 Shyovitz, Becky <Cook-Shyovitz.Becky@epa.gov>; Eisenberg, Mindy
 <Eisenberg.Mindy@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>;
 Cindy Barger <cindy.s.barger.civ@mail.mil>; Hannon, Arnita <Hannon.Arnita@epa.gov>;
 Angie Bracey <braceya@cityofhuntington.com>; Anna Kettlewell
 <akettlewell@mmsd.com>; Debbie Orth <Debbie.orth@co.ramsey.mn.us>; Deborah Delk
 <ddelk@cityofgary.onmicrosoft.com>; donna.difrancesco@mesaaz.gov; Ellen Heinitz
 <eheinitz@house.mi.gov>; Erika Martinez <emartinez8@ci.laredo.tx.us>; Jamie Hartranft
 <jhartranft@easton-pa.gov>; Jen Wessell <JWessell@Salem.com>; Joanne Buonarota
 <jbuonarota@hobokennj.gov>; Joi Whiteside <jwhiteside@ci.gary.in.us>; Jordan
 <jordan@burlingtonvt.gov>; Kathy Hayes <Khayes@co.humboldt.ca.us>; Kim O'Farrell
 <O'Farrell>; Kim <Kim.O'Farrell@leg.wa.gov>; Lalosa Burns <ldburns@ci.gary.in.us>;
 Lindsay Rogers (<ler@aternow.org>) <ler@aternow.org>; Macheal Brooks
 <macheal.brooks@ci.burnsville.mn.us>; Nellie Flores <nflores@chulavistaca.gov>;
 Seichner <seichner@marinwater.org>; Stephanie Valentine <Svalenti@cityofdubuque.org>
Subject: REMINDER! LGAC Full Committee Meeting, Thursday, June 29th, 2:00-3:00
 EST-Call in: Nonresponsive Conference Code/ Ex. 6 Agenda and Meeting materials

To: Local Government Advisory Committee Members

The LGAC will meet on **Thursday, June 29th** via teleconference at **2:00-3:00 EST**.

The call in number is: **Nonresponsive Conference Code/ Ex. 6**. The Committee will meet to review and take action on the Draft Final Waters of the U.S. (WOTUS) Report in a public meeting. See attached meeting agenda and materials. Members of the public have registered for the meeting, so you will have a number of guests joining the meeting, and the press will likely be joining the call. The SCAS will meet just prior to the LGAC Meeting at **1:00-2:00 EST**. Everyone is certainly invited to take part in the SCAS conference call as well.

I will bring to your attention that a quorum is needed to conduct LGAC business to review and take action on all business items coming before the Committee such as the WOTUS Report. So please consider taking part even for a portion of the meeting, if at all possible.

In preparing for the meeting, please take a moment to review the Draft Final Report and the Transmittal letter before the meeting. Not only does the Report bring together all of your hard work and contributions on Waters of the U.S., you will also have the opportunity to review the individual contributions of LGAC Members who have submitted quotes and photographs.

Any edits that you have you will have opportunity to submit editorial comments even after the meeting. So you have time up to July 7th. If you have content edits then the SCAS and the LGAC will have to consider these changes. Please give me a heads up if that is the case so that we can make the Chair aware of that.

Thank you for all of your contributions and hard work! Thanks especially goes to Sue Hann, Chairwoman of Protecting America's Waters, and Vice-Chair Mayor Elizabeth Kautz for their leadership in bringing this work forward. Also, thanks to Chairman Dixson for his guiding leadership and direction. And a special thanks too to Commissioner Cope for the extra SCAS Meetings and input, and his fine editorial work.

Thanks to everyone for the personal touches you contributed in bringing forward the voices from your communities to the forefront. It is very much appreciated!

If you have any questions, feel free to contact me at (202) 564-3115 or eargle.frances@epa.gov.

Thank you...and looking forward to another great meeting of the LGAC!

All Best,

Fran Eargle

202-564-3115

Attachments:

- June 29th LGAC Meeting Agenda
- Draft Final LGAC Waters of the U.S. Report
- Draft Transmittal Letter
- January LGAC Meeting Summary

Background Materials:

- LGAC WOTUS Charge
- WOTUS Powerpoint

Message

From: Campbell, Ann [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B8C25A0C2FB648B6A947694A8492311E-CAMPBELL, ANN]
Sent: 6/27/2017 6:31:43 PM
To: Christensen, Damaris [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e04107c23c1043d6967754064c477a29-Christensen, Damaris]
CC: Eisenberg, Mindy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cfb4c26bb6f44c7db69f9884628b3ef9-Eisenberg, Mindy]
Subject: Fw: WOTUS comment letters from WY & KY
Attachments: Parfitt_WOTUS_6-16-17_AX-17-001-0482.pdf; Snavelly_WOTUS_6-19-17_AX-17-001-0488.pdf

Sending these along to you all for record-keeping purposes.

From: Barbery, Andrea
Sent: Tuesday, June 27, 2017 1:30 PM
To: Drinkard, Andrea; Campbell, Ann; Borum, Denis; Ostendorf, Jody; Myers, Bryan
Subject: FW: WOTUS comment letters from WY & KY

Hi and FYI – these letters are with OCIR/Intergovernmental in CMS.
Please let me know if I'm spamming you with state cmsr correspondence!
It's very important to our DAA so wanted to be sure you were aware.

From: Barbery, Andrea
Sent: Tuesday, June 27, 2017 1:20 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Cc: Bowles, Jack <Bowles.Jack@epa.gov>; Osinski, Michael <Osinski.Michael@epa.gov>
Subject: WOTUS comment letters from WY & KY

Hi Tate –

Attached are WOTUS comment letters from WY DEQ Director Parfitt and KY Energy & Environment Cabinet Secretary Snavelly.

Preston, would you kindly print these and put them in Tate's inbox?

We have a number of letters building up in OCIR's inbox. Would be good to sit down with you, Tate, at some point this week, and go over how you'd like to handle the responses.

Thanks,
Andrea Barbery
202-564-1397

Message

From: Campbell, Ann [Campbell.Ann@epa.gov]
Sent: 6/26/2017 7:07:15 PM
To: Christensen, Damaris [Christensen.Damaris@epa.gov]
CC: Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]
Subject: Fwd: FL DEP letter on WOTUS definition - AX-17-001-0439
Attachments: FL DEP - WOTUS_6-19-17_AX-17-001-0439.pdf; ATT00001.htm

Please see the attached comments that came in to the Administrator and we're captured in the CMS system.

Begin forwarded message:

From: "Barbery, Andrea" <Barbery.Andrea@epa.gov>
To: "Bennett, Tate" <Bennett.Tate@epa.gov>
Cc: "Osinski, Michael" <Osinski.Michael@epa.gov>, "Bowles, Jack" <Bowles.Jack@epa.gov>, "Campbell, Ann" <Campbell.Ann@epa.gov>, "Borum, Denis" <Borum.Denis@epa.gov>, "Drinkard, Andrea" <Drinkard.Andrea@epa.gov>
Subject: FL DEP letter on WOTUS definition - AX-17-001-0439

Hi Tate,

Attached is a letter from Florida DEP Secretary Valenstein, conveying their OGC's comments in response to the 5/17/17 letter from the Administrator & Lamont to Gov. Scott.

Thanks,
Andrea Barbery
Office of Intergovernmental Relations
U.S. Environmental Protection Agency
202-564-1397

-----Original Message-----

From: cmsadmin@epa.gov [mailto:cmsadmin@epa.gov]
Sent: Monday, June 26, 2017 2:22 PM
To: Eades, Cassaundra <Eades.Cassaundra@epa.gov>; Scott, Sonya <scott.sonya@epa.gov>; Labbe, Ken <Labbe.Ken@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Wilkes, Quianna <Wilkes.Quianna@epa.gov>; Mims, Kathy <Mims.Kathy@epa.gov>; Scales, Wuanisha <Scales.Wuanisha@epa.gov>; Tillery, Loreto <Tillery.Loreto@epa.gov>; Banks, Portia <Banks.Portia@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Hannon, Arnita <Hannon.Arnita@epa.gov>; Barbery, Andrea <Barbery.Andrea@epa.gov>; Cook-Shyovitz, Becky <Cook-Shyovitz.Bekky@epa.gov>; Cheatham-Strickland, Latonia <Cheatham-Strickland.Latonia@epa.gov>; Nitsch, Chad <Nitsch.Chad@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Kuhn, Kevin <Kuhn.Kevin@epa.gov>
Subject: CMS New Assignment - Brigitte Moritz - AX-17-001-0439

Control AX-17-001-0439 has been assigned to your office on 6/26/17 2:21 PM by Brigitte Moritz. Please go to the CMS webpage to view the details of the control.

Summary Information -

Control Number: AX-17-001-0439

Control Subject: Comments on the EPA's forthcoming proposal to revise the definition of

"waters of the US"

From: Valenstein, Noah

Note: This Email was automatically generated. Please do not attempt to respond to it. You can access this control at <https://cms.epa.gov/cms>. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS Information@epa.gov.

To: Goodin, John[Goodin.John@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]
Cc: Nalven, Heidi[Nalven.Heidi@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; Kaiser, Russell[Kaiser.Russell@epa.gov]; Brown, Robert[Brown.Robert@epa.gov]
From: Moore, Kristie
Sent: Mon 6/26/2017 10:28:21 AM
Subject: RE: Polling for Tuesday SAC hearing
[FY18 PB WOTUS_DG.docx](#)

Thank you John and Palmer.

John,

Let us know when we can send the Q&A to OW.

What about WOTUS? Do we want to make any edits to address the Senator's connectivity concerns? Attached is the latest WOTUS paper.

WOTUS – as the Agency moves forward on a new WOUS rule, the EPA needs to take into account the impact to Alaska. 2/3 of the state is already a wetland, and if connectivity is the key to the new rulemaking.. every mile of Alaska is connected to a wetland in some part.

Kristie M. Moore

Office of Wetlands Oceans and Watersheds

U.S. Environmental Protection Agency

EPA West

1200 Pennsylvania Ave., NW

MC-4501 T

Washington, DC, 20460

office: (202) 566-1616

fax: (202) 566-1544

From: Goodin, John
Sent: Sunday, June 25, 2017 12:15 PM
To: Hough, Palmer <Hough.Palmer@epa.gov>
Cc: Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Moore, Kristie <Moore.Kristie@epa.gov>; Brown, Robert <Brown.Robert@epa.gov>
Subject: Re: Polling for Tuesday SAC hearing

Thanks, Palmer. Very much appreciate the extra work here. I'll pursue the process clarifications Monday.

Have a good week!

John

Sent from my iPhone

On Jun 25, 2017, at 10:02 AM, Hough, Palmer <Hough.Palmer@epa.gov> wrote:

John

Deliberative Process / Ex. 5

I'm cc'ing Heidi and Carrie so they can give this a review as well.

I'm at NCTC all week for the annual IRT training course with the Corps but I will be checking my emails in case folks have questions.

-Palmer

From: Goodin, John
Sent: Saturday, June 24, 2017 6:58 AM
To: Fontaine, Tim; Hough, Palmer; Wehling, Carrie; Eisenberg, Mindy
Cc: Brown, Robert; Moore, Kristie; Peck, Gregory; Best-Wong, Benita; Connors, Sandra; Kochis, Daniel; Lape, Jeff; Southerland, Elizabeth; Spraul, Greg; Drummond, Laura; Woods, Terry; Giddings, Daniel; Shapiro, Mike; Bennett, Brittany; Kaiser, Russell
Subject: Re: Polling for Tuesday SAC hearing

Thanks, Tim. We'll work up a draft on

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Palmer/Heidi-- feel free to connect with me this weekend to get a headstart.

John

Sent from my iPhone

On Jun 24, 2017, at 6:37 AM, Fontaine, Tim <Fontaine.Tim@epa.gov> wrote:

Bob and Dan

While no due date was provided, they will likely want this early Monday. I believe that we have fact sheets on WOTUS and Bristol Bay that can be tweaked -

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Sent from my iPhone

Begin forwarded message:

From: "Terris, Carol" <Terris.Carol@epa.gov>
Date: June 23, 2017 at 7:40:01 PM EDT

To: "Swack, David" <Swack.David@epa.gov>, "Fontaine, Tim" <Fontaine.Tim@epa.gov>, "Hyde, Courtney" <Hyde.Courtney@epa.gov>
Cc: "Nguyen, Khanh" <Nguyen.Khanh@epa.gov>, "Beg, Gul" <Beg.Gul@epa.gov>, "Ripley, Laura" <Ripley.Laura@epa.gov>
Subject: Polling for Tuesday SAC hearing

Polling for Sen Murkowski -- – please provide a quick set of background information bullets and talking point – thank you!

Bristol Bay-- As part of EPAs May 11th settlement agreement—we have 60 days to withdraw the 2014 determination which is in the middle of the commercial fishing day season. The Senator wants to have as much involvement with the Tribes as possible – and will ask the administrator to have a 60-90 day comment period to give enough time for the tribal commercial fishermen to provide comment.

Fish Grinding – Both On shore and Off Shore – looking to find a solution to this issue and seeing if we can commit to have some options or solution with a time frame for completion. Sen. Murkowski would also like these options ready to be discussed at the meeting of the two senior staffs.

These are more for FYI/awareness.

Diesel Generators in remote villages—Alaska remote villages, that use diesel generators submitted a comment to the regulatory relief panel on this issue. Specifically, for any generators purchased after model year 2014 you need to have a diesel particulate filter installed—if used for power generator. In Alaska, if you have this filter on—there is a high failure rate because of the temperature outside. If the filter fails... the generator shuts down and then you have to get a technician out there to fix it—which is very expensive. We will be asked to work with her on a solution to this issue.

Small Remote Incinerator issue -- Will ask EPA to look at administrative

options and see what is possible and would like that to be done before the two senior staffs sit down.

PM 2.5 Fairbanks – Murkowski will ask the Administrator to remember the unique situation that Fairbanks experiences due to the geography, low temperature, and that they don't have access to natural gas— when EPA works with the state and borough to come up with plan.

WOTUS – as the Agency moves forward on a new WOUS rule, the EPA needs to take into account the impact to Alaska. 2/3 of the state is already a wetland, and if connectivity is the key to the new rulemaking.. every mile of Alaska is connected to a wetland in some part.

<Pebble-Bristol Bay_6-25-17.docx>

From: Able, Tony
To: Eisenberg, Mindy
CC: McGill, Thomas; Derby, Jennifer
Sent: 6/16/2017 4:59:38 PM
Subject: FW: FOR REVIEW: Draft notes and action items from national wetlands meeting
Attachments: National Meeting notes.docx; Nat'l Workshop action tracking - June 2017.xlsx

I've been thru both documents. I find only one minor change in the top row of the excel sheet of actions.

Deliberative Process / Ex. 5

Tony Able, Chief
Wetlands and Streams Regulatory Section
U.S. Environmental Protection Agency
61 Forsyth St., S.W.
Atlanta, GA 30303

W - 404 562 9273

C Personal Phone / Ex. 6

From: Eisenberg, Mindy
Sent: Saturday, June 3, 2017 5:23 PM
To: Goodin, John ; Reiner, Edward ; Montella, Daniel ; Lapp, Jeffrey ; Able, Tony ; Melgin, Wendy ; Martinez, Maria ; Horchem, Brad ; Schafer, Jeannette ; Hamilton, Karen ; Amato, Paul ; Brush, Jason ; Allnutt, David ; Bahk, Benjamin ; Miller, Clay ; Downing, Donna ; McDavit, Michael W. ; Kaiser, Russell ; Goodin, John ; Downing, Donna ; McGill, Thomas ; Siu, Jennifer ; ROSETTI, LEANA ; Hurd, Kathy
Subject: FOR REVIEW: Draft notes and action items from national wetlands meeting

Hi Everyone,

I have pulled together draft notes and action items from our national meeting. Please send me edits and additions to both documents, including adding your name to lead action items. My apologies in advance if I misheard or mischaracterized anything. I was multi-tasking at times :)

Please send me your edits by June 16.

Thanks much!
Mindy

Mindy Eisenberg
Acting Director, Oceans, Wetlands & Communities Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4502T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

To: Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]
From: Hewitt, Julie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C4A982BF82A0413187BFF3B54135B7FF-JHEWITT]
Sent: Thur 6/15/2017 5:11:30 PM (UTC)
Subject: RE: edits!
WOTUS Draft Proposed Rule revisions 6-15-17 Deliberative Process / Ex. 5

Here it is, with Karen’s edits included as well.

From: Eisenberg, Mindy
Sent: Thursday, June 15, 2017 12:59 PM
To: Hewitt, Julie <Hewitt.Julie@epa.gov>
Subject: edits!
Importance: High

Mindy Eisenberg
Acting Director, Oceans, Wetlands & Communities Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4502T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

From: Kupchan, Simma
Sent: Thursday, June 15, 2017 12:58 PM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Cc: Kwok, Rose <Kwok.Rose@epa.gov>
Subject: A FEW MORE PREAMBLE COMMENTS
Importance: High

Mindy,

Attorney Client / Deliberative Process / Ex. 5

Simma Kupchan
Water Law Office
US EPA Office of General Counsel
William Jefferson Clinton Building North Room 7426Q
(p) 202-564-3105

From: Wendelowski, Karyn
Sent: Thursday, June 15, 2017 12:51 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>
Subject: FW: comments on latest preamble draft

Karyn Wendelowski
Attorney-Advisor
Water Law Office
Office of General Counsel
(202)564-5493



Correspondence Management System

Control Number: AX-17-000-7867

Printing Date: July 13, 2017 08:13:00



Citizen Information

Citizen/Originator: Suh, Rhea

Organization: Natural Resources Defense Council
Address: 1152 15th Street, NW, Washington, DC, DC 20005

Noppen, Trip Van

Organization: Earth Justice
Address: 426 17th Street, Oakland, CA 94612

Brune, Michael

Organization: Sierra Club
Address: 2101 Webster Street, Oakland, CA 94612

Alt, Margie

Organization: Environment America
Address: 218 D Street, SE 2nd Floor, Washington, DC 20003

Pierno, Theresa

Organization: National Parks Conservation Association
Address: 777 6th Street, NW, Washington, DC 20001

Magana, Mark

Organization: GreenLatinos
Address: 801 Pennsylvania Avenue, NW, Washington, DC 20004

Middleton, Frederick S.

Organization: Southern Environmental Law Center
Address: 201 West Main Street, Charlottesville, VA 22902

Wilkes, Brent

Organization: League of United Latin American Citizens
Address: 2000 L Street, N.W., Washington, DC 20036

Wendelgass, Robert

Organization: Clean Water Action
Address: 1315 Walnut Street, Philadelphia, PA 19107

Irvin, William Robert

Organization: American Rivers
Address: 1101 14th Street NW, Washington, DC 20005

Yarnold, David

Organization: National Audubon Society
Address: 225 Varick Street, New York, NY 10014

Karpinski, Gene

Organization: League of Conservation Voters Education Fund
Address: 1920 L N.W., Washington, D.C. 20038

Sarthou, Cynthia

Organization: Gulf Restoration Network
Address: Post Office Box 2245, 338 Baronna Street, New Orleans, LA 70112

Willbanks, Lee

Organization: Riverkeeper - Save the River
Address: 409 Riverside Drive, Clayton, NY 13624



Correspondence Management System

Control Number: AX-17-000-7867

Printing Date: July 13, 2017 08:13:00

**Wilson, Ward**

Organization: Kentucky Waterways Alliance
Address: 120 Webster Street, Louisville, KY 40206

Hoyos, Renee' Victoria

Organization: Tennessee Clean Water Network (TCWN)
Address: P.O. Box 1521, 123A South Gay Street, Knoxville, TN 37902

Hays, Carol

Organization: Prairie Rivers Network
Address: 1902 Fox Drive, Champaign, IL 61820

Wright, Kimberlee

Organization: Midwest Environmental Advocates, Inc.
Address: 612 West Main Street, Madison, WI 53703

Stewart, Beth K.

Organization: Cahaba River Society
Address: 2717 7th Avenue South, Birmingham, AL 35233

Huffling, Katie

Organization: Alliance of Nurses for Healthy Environments
Address: 1111 14th Street, NW, Washington, DC 20005

Ambs, Tom

Organization: River Network
Address: 222 South Hamilton Street, Madison, WI 53703

Quintero, Adrianna

Organization: Voces Verdes
Address: Address Unknown

Silk, Nicole

Organization: River Network
Address: P.O. Box 21387, Boulder, CO 80308

Meyer, Kristy

Organization: Ohio Environmental Council
Address: 1207 Grandview Avenue, Columbus, OH 43212

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number:	AX-17-000-7867	Alternate Number:	N/A
Status:	Pending	Closed Date:	N/A
Due Date:	May 9, 2017	# of Extensions:	0
Letter Date:	Apr 19, 2017	Received Date:	Apr 24, 2017
Addressee:	AD-Administrator	Addressee Org:	EPA
Contact Type:	LTR (Letter)	Priority Code:	Normal
Signature:	AD-Administrator	Signature Date:	N/A
File Code:	404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.		
Subject:	DRF -Perspective on intention to eliminate the federal safeguards included in the 2015 Clean		



Correspondence Management System

Control Number: AX-17-000-7867

Printing Date: July 13, 2017 08:13:00



Instructions: Water Rule
AD-Prepare draft response for the Administrator's signature
Instruction Note: N/A
General Notes: N/A
CC: Derek Threet - AO-IO
OPA - Office of Public Affairs

Lead Information

Lead Author: Sineta Brown
Office: OW-OWOW-WD
Due Date: May 5, 2017
Assigned Date: Apr 25, 2017
Complete Date: May 8, 2017
Instruction: AD-Prepare draft response for the Administrator's signature

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Jacqueline Leavy	OEX	OW	Apr 24, 2017	May 9, 2017	May 26, 2017
	Instruction: AD-Prepare draft response for the Administrator's signature				
Wanda Fields	OW	OW-OWOW	Apr 25, 2017	May 5, 2017	May 16, 2017
	Instruction: cc: Shapiro, Best-Wong, Peck, Lousberg				
Yvonne Smothers	OW-OWOW	OW-OWOW-WD	Apr 25, 2017	May 5, 2017	May 8, 2017
	Instruction: N/A				

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date
Jacqueline Leavy	OEX	Assign OW as lead office	Apr 24, 2017
Wanda Fields	OW	Accepted the group assignment	Apr 25, 2017
Wanda Fields	OW	Assign OW-OWOW as lead office	Apr 25, 2017
Yvonne Smothers	OW-OWOW	Accepted the group assignment	Apr 25, 2017
Yvonne Smothers	OW-OWOW	Assign OW-OWOW-WD as lead office	Apr 25, 2017
Sineta Brown	OW-OWOW-WD	Accepted the group assignment	Apr 25, 2017
Sineta Brown	OW-OWOW-WD	Take task	Apr 25, 2017



Correspondence Management System

Control Number: AX-17-000-7867

Printing Date: July 13, 2017 08:13:00



Action By	Office	Action	Date
Sineta Brown	OW-OWOW-WD	Finished response document	May 8, 2017
Sineta Brown	OW-OWOW-WD	Sent control to Yvonne Smothers for approval	May 8, 2017
Yvonne Smothers	OW-OWOW	Sent for Review to Sandra Connors	May 8, 2017
Yvonne Smothers	OW-OWOW	Sent control back to Sineta Brown for modification	May 16, 2017
Sineta Brown	OW-OWOW-OWCD	Resent control to Yvonne Smothers for approval.	May 16, 2017
Yvonne Smothers	OW-OWOW	Sent for Review to Sandra Connors	May 16, 2017
Yvonne Smothers	OW-OWOW	Concur and sent control to Wanda Fields for approval	May 16, 2017
Wanda Fields	OW	Sent control back to Yvonne Smothers for modification	May 16, 2017
Yvonne Smothers	OW-OWOW	Resent control to Wanda Fields for approval.	May 16, 2017
Wanda Fields	OW	Sent control back to Yvonne Smothers for modification	May 16, 2017
Yvonne Smothers	OW-OWOW	Resent control to Wanda Fields for approval.	May 17, 2017
Wanda Fields	OW	Sent control back to Yvonne Smothers for modification	May 17, 2017
Yvonne Smothers	OW-OWOW	Resent control to Wanda Fields for approval.	May 18, 2017
Diane Jones-Coleman	OW	Reassigns control from Wanda Fields to Diane Jones-Coleman	May 26, 2017
Diane Jones-Coleman	OW	Concur and sent control to Jacqueline Leavy for approval	May 26, 2017
Jacqueline Leavy	OEX	Sent for Review to Brian Hope	May 30, 2017
Brian Hope	OEX	Review Approved by Brian Hope	Jul 12, 2017

Comments

Commentator	Comment	Date
Wanda Fields	Need concurrence from OWOW OD. Upload concurrence into the attachment section.	May 16, 2017
Wanda Fields	With Chris Orvin for review.	May 19, 2017
Diane Jones-Coleman	Mike Shapiro concurred 05-24-17. CMS assignment returned to OEX for the Administrator's signature 05-26-17.	May 26, 2017
Brian Hope	Edits made to the letter and spreadsheet, but the draft needs to be updated to include action taken at the end of June. Please talk to the appropriate special assistant re. amending the letter. Thanks.	Jul 12, 2017

To: Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]
From: Greenwalt, Sarah
Sent: Wed 7/12/2017 8:51:19 PM
Subject: Re: stats on tribal and federalism letters

Awesome, thanks Mindy!

Sent from my iPad

On Jul 12, 2017, at 3:03 PM, Eisenberg, Mindy <Eisenberg.Mindy@epa.gov> wrote:

Andrew has better info!

Sent from my iPhone

Begin forwarded message:

From: "Hanson, Andrew" <Hanson.Andrew@epa.gov>
Date: July 12, 2017 at 2:51:14 PM EDT
To: "Eisenberg, Mindy" <Eisenberg.Mindy@epa.gov>
Cc: "Christensen, Damaris" <Christensen.Damaris@epa.gov>
Subject: RE: stats on tribal and federalism letters

If there's undue confusion (opposed to normal/baseline confusion) **20 AGs** (attorneys general) signed onto one letter. **16 governors** wrote in individually. 2 governors signed the NGA letter (one of whom was Matt Mead (WY) who also wrote his own letter) and 2 governors signed the WGA letter.

Tate has all this info, as do Dolores and Julia.

From: Bennett, Tate
Sent: Wednesday, July 12, 2017 2:42 PM
To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Cc: Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Hanson, Andrew <Hanson.Andrew@epa.gov>
Subject: Fwd: stats on tribal and federalism letters

Preston- can you send us an updated Gov's number? We have over 20.

Sent from my iPhone

Begin forwarded message:

From: "Bowman, Liz" <Bowman.Liz@epa.gov>
Date: July 12, 2017 at 2:08:59 PM EDT
To: "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>, "Ford, Hayley" <ford.hayley@epa.gov>, "Lyons, Troy" <lyons.troy@epa.gov>, "Bennett, Tate" <Bennett.Tate@epa.gov>, "Dravis, Samantha" <dravis.samantha@epa.gov>
Cc: "Jackson, Ryan" <jackson.ryan@epa.gov>
Subject: RE: stats on tribal and federalism letters

This is great; thanks for sharing/pulling this together.

From: Greenwalt, Sarah
Sent: Wednesday, July 12, 2017 2:08 PM
To: Ford, Hayley <ford.hayley@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Fwd: stats on tribal and federalism letters

For our metrics/press purposes.

Sent from my iPhone

Begin forwarded message:

From: "Eisenberg, Mindy" <Eisenberg.Mindy@epa.gov>
Date: July 12, 2017 at 12:25:54 PM EDT
To: "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>
Subject: stats on tribal and federalism letters

Currently about **31** tribal comment letters

At a glance:

- Most of the written comment letters are from western tribes

- 6 letters are from state/regional/national tribal groups or fish commissions that represent multiple tribes: National Tribal Water Council, Region 10 RTOC, California Indian Environmental Alliance, Columbia River Inter-Tribal Fish Commission, Great Lakes Indian Fish and Wildlife Commission, Northwest Indian Fisheries Commission
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Federalism

In total **24 meetings** were held from April 19 to June 29, and **156 letters** were received as part of the federalism process. The breakdown of who we heard from is as follows:

- 17 governors
- 2 lieutenant governors
- 20 attorney generals (19 signed onto 1 letter)
- 62 state agencies
- 63 local-government representatives
- 18 intergovernmental associations
- 8 state associations
- 11 water & irrigation districts

Mindy Eisenberg

Acting Director, Oceans, Wetlands & Communities Division

Office of Wetlands, Oceans and Watersheds

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW, mailcode 4502T

Washington, DC 20460

(202) 566-1290

eisenberg.mindy@epa.gov

<WOTUSFedCommentsByState.docx>

Message

From: Moore, Kristie [Moore.Kristie@epa.gov]
Sent: 7/10/2017 1:46:00 PM
To: Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]; Weinstock, Larry [Weinstock.Larry@epa.gov]
CC: Brown, Robert [Brown.Robert@epa.gov]
Subject: FW: HAC QFR: Cal-001-002 OGC comments
Attachments: CAL-001-002 OW_OA_OAR+ OGC's Comments.docx

Mindy and Larry,

Deliberative Process / Ex. 5

Thank you in advance for your help,
Kristie

Kristie M. Moore
Office of Wetlands Oceans and Watersheds
U.S. Environmental Protection Agency
EPA West
1200 Pennsylvania Ave., NW
MC-4501 T
Washington, DC, 20460
office: (202) 566-1616
fax: (202) 566-1544

From: Drummond, Laura
Sent: Monday, July 10, 2017 9:41 AM
To: Brown, Robert <Brown.Robert@epa.gov>; Moore, Kristie <Moore.Kristie@epa.gov>
Cc: Woods, Terry <Woods.Terry@epa.gov>; Fontaine, Tim <Fontaine.Tim@epa.gov>; Spraul, Greg <Spraul.Greg@epa.gov>; Giddings, Daniel <giddings.daniel@epa.gov>; Peck, Gregory <Peck.Gregory@epa.gov>; Orvin, Chris <Orvin.Chris@epa.gov>
Subject: FW: HAC QFR: Cal-001-002 OGC comments

Bob and Kristie,

Deliberative Process / Ex. 5

Could you please take a look and provide feedback in track changes?

Thanks!
Laura Drummond
Program Analyst – PMF 2014
U.S. Environmental Protection Agency
Office of Water – Resource Management Staff
Phone – (202) 564-6561

From: Guck, Michelle
Sent: Monday, July 10, 2017 9:37 AM

To: LaRue, Steven <LaRue.Steven@epa.gov>; Drummond, Laura <Drummond.Laura@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>; Fontaine, Tim <Fontaine.Tim@epa.gov>; Diaz, Charlene <diaz.charlene@epa.gov>; Cuscino, Glen <Cuscino.Glen@epa.gov>; Clark, Rebekah <Clark.Rebekah@epa.gov>
Subject: HAC QFR: Cal-001-002 OGC comments

Good morning,

Deliberative Process / Ex. 5 For OW and OAR's respective pieces please provide feedback as needed in track changes. Let me know if you have any questions.

Thanks!



CAL-001-002
OW_OA_OAR+ ...

Michelle Guck

Program Analyst, Multi-Media Analysis Staff
Office of the Chief Financial Officer | Office of Budget
U.S. Environmental Protection Agency
Tel: (202)-564-2036 | Guck.Michelle@epa.gov

To: Greenwalt, Sarah[greenwalt.sarah@epa.gov]
Sent: Wed 7/5/2017 4:55:07 PM
Subject: RE: WOTUS Discussion

Deliberative Process / Ex. 5

Sarah,

Deliberative Process / Ex. 5

Mindy Eisenberg

Acting Director, Oceans, Wetlands & Communities Division

Office of Wetlands, Oceans and Watersheds

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW, mailcode 4502T

Washington, DC 20460

(202) 566-1290

eisenberg.mindy@epa.gov

From: Greenwalt, Sarah
Sent: Wednesday, July 05, 2017 11:42 AM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Subject: WOTUS Discussion

Mindy –

Would you please send me the options selection papers we have for the following:

Deliberative Process / Ex. 5

Sarah A. Greenwalt

Senior Advisor to the Administrator

for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722|Cell: Personal Phone / Ex. 6

Greenwalt.Sarah@epa.gov

Message

From: Eisenberg.Mindy@epa.gov [Eisenberg.Mindy@epa.gov]
Sent: 7/12/2017 7:03:08 PM
To: Greenwalt, Sarah [greenwalt.sarah@epa.gov]
Subject: Fwd: stats on tribal and federalism letters
Attachments: WOTUSFedCommentsByState.docx; ATT00001.htm

Andrew has better info!

Sent from my iPhone

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From: "Hanson, Andrew" <Hanson.Andrew@epa.gov>
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Sent: Wednesday, July 12, 2017 2:08 PM
To: Ford, Hayley <ford.hayley@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Dravis, Samantha

<dravis.samantha@epa.gov>

Cc: Jackson, Ryan <jackson.ryan@epa.gov>

Subject: Fwd: stats on tribal and federalism letters

For our metrics/press purposes.

Sent from my iPhone

Begin forwarded message:

From: "Eisenberg, Mindy" <Eisenberg.Mindy@epa.gov>

Date: July 12, 2017 at 12:25:54 PM EDT

To: "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>

Subject: stats on tribal and federalism letters

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Mindy Eisenberg

Acting Director, Oceans, Wetlands & Communities Division

Office of Wetlands, Oceans and Watersheds

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW, mailcode 4502T

Washington, DC 20460

(202) 566-1290

eisenberg.mindy@epa.gov

To: Greenwalt, Sarah[greenwalt.sarah@epa.gov]
From: Eisenberg, Mindy
Sent: Thur 7/13/2017 5:52:25 PM
Subject: FW: letters
[UT-Duchesne County 2014-11-10.pdf](#)
[UT-Duchesne County 2017-06-12.pdf](#)
[UT-Office of the Governor 2017-06-19.pdf](#)
[MN-MPCA-DNR 2017-06-19.pdf](#)

Hi Sarah,
Here are the letters from UT and MN. Will send AR separately - we received quite a few from counties.

Mindy

Mindy Eisenberg
Acting Director, Oceans, Wetlands & Communities Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4502T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

From: Greenwalt, Sarah
Sent: Thursday, July 13, 2017 9:18 AM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Subject:

Mindy,

Would you please send me all of the letters we received from Utah, Minnesota, and and Arkansas?

Sent from my iPhone

Message

From: Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]
Sent: 7/12/2017 7:03:09 PM
To: Greenwalt, Sarah [greenwalt.sarah@epa.gov]
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<dravis.samantha@epa.gov>

Cc: Jackson, Ryan <jackson.ryan@epa.gov>

Subject: Fwd: stats on tribal and federalism letters

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Mindy Eisenberg

Acting Director, Oceans, Wetlands & Communities Division

Office of Wetlands, Oceans and Watersheds

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW, mailcode 4502T

Washington, DC 20460

(202) 566-1290

eisenberg.mindy@epa.gov

To: Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]
From: Eisenberg, Mindy
Sent: Thur 7/6/2017 9:52:50 PM
Subject: your vmail

Deliberative Process / Ex. 5

Hi,

Deliberative Process / Ex. 5

Mindy Eisenberg
Acting Director, Oceans, Wetlands & Communities Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4502T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

From: Eisenberg, Mindy
Sent: Wednesday, July 05, 2017 12:57 PM
To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Subject: RE: WOTUS Discussion

Hi Sarah,

Deliberative Process / Ex. 5

Mindy

Mindy Eisenberg
Acting Director, Oceans, Wetlands & Communities Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4502T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

From: Greenwalt, Sarah
Sent: Wednesday, July 05, 2017 11:42 AM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Subject: WOTUS Discussion

Mindy –

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

All of my copies have my notes on it, so clean copies would be best. Thank you!

Sarah A. Greenwalt

Senior Advisor to the Administrator
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722 | Cell: **Personal Phone / Ex. 6**

Greenwalt.Sarah@epa.gov

To: Greenwalt, Sarah[greenwalt.sarah@epa.gov]
From: Eisenberg, Mindy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CFB4C26BB6F44C7DB69F9884628B3EF9-EISENBERG, MINDY]
Sent: Mon 6/26/2017 7:20:39 PM (UTC)
Subject: FW: Draft sentence to **Attorney Client / Deliberative Process / Ex. 5**
WOTUS Draft Proposed Rule (OMB 06-23-17) EPA 6.26.17.docx

FYI

Mindy Eisenberg
Acting Director, Oceans, Wetlands & Communities Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4502T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

From: Kupchan, Simma
Sent: Monday, June 26, 2017 3:20 PM
To: McGartland, Al <McGartland.Al@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Cc: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Massey, Matt <Massey.Matt@epa.gov>; Hewitt, Julie <Hewitt.Julie@epa.gov>; Marten, Alex <Marten.Alex@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Subject: RE: Draft sentence to **Attorney Client / Deliberative Process / Ex. 5**

Here is the final draft.

Simma Kupchan
Water Law Office
US EPA Office of General Counsel
William Jefferson Clinton Building North Room 7426Q
(p) 202-564-3105

From: McGartland, Al
Sent: Monday, June 26, 2017 3:16 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Cc: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Massey, Matt <Massey.Matt@epa.gov>; Hewitt, Julie <Hewitt.Julie@epa.gov>; Marten, Alex <Marten.Alex@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Subject: RE: Draft sentence to **Attorney Client / Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

From: Kupchan, Simma
Sent: Monday, June 26, 2017 3:14 PM
To: McGartland, Al <McGartland.Al@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Cc: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Massey, Matt <Massey.Matt@epa.gov>; Hewitt, Julie <Hewitt.Julie@epa.gov>; Marten, Alex <Marten.Alex@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Subject: RE: Draft sentence to **Attorney Client / Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

From: McGartland, Al
Sent: Monday, June 26, 2017 3:11 PM
To: Fotouhi, David <fotouhi.david@epa.gov>
Cc: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Massey, Matt <Massey.Matt@epa.gov>; Hewitt, Julie <Hewitt.Julie@epa.gov>; Marten, Alex <Marten.Alex@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Subject: RE: Draft sentence to **Attorney Client / Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

From: Fotouhi, David
Sent: Monday, June 26, 2017 3:10 PM
To: McGartland, Al <McGartland.Al@epa.gov>
Cc: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Massey, Matt <Massey.Matt@epa.gov>; Hewitt, Julie <Hewitt.Julie@epa.gov>; Marten, Alex <Marten.Alex@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Subject: Re: Draft sentence to **Attorney Client / Deliberative Process / Ex. 5**

Attorney Client / Deliberative Process Ex. 5 Thanks.

Sent from my iPhone

On Jun 26, 2017, at 3:08 PM, McGartland, Al <McGartland.Al@epa.gov> wrote:

Attorney Client / Deliberative Process / Ex. 5

From: Eisenberg, Mindy
Sent: Monday, June 26, 2017 3:06 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; McGartland, Al <McGartland.Al@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Massey, Matt <Massey.Matt@epa.gov>; Hewitt, Julie <Hewitt.Julie@epa.gov>; Marten, Alex <Marten.Alex@epa.gov>
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Subject: RE: Draft sentence to **Attorney Client / Deliberative Process / Ex. 5**

Attorney Client / Deliberative Process / Ex. 5

Mindy Eisenberg
Acting Director, Oceans, Wetlands & Communities Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4502T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

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Cc: Fotouhi, David <fotouhi.david@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>

Subject: RE: Draft sentence to **Attorney Client / Deliberative Process / Ex. 5**

Attorney Client / Deliberative Process / Ex. 5 and are looping in David and Justin FYI.

Simma Kupchan
Water Law Office
US EPA Office of General Counsel
William Jefferson Clinton Building North Room 7426Q
(p) 202-564-3105

From: Eisenberg, Mindy

Sent: Monday, June 26, 2017 3:04 PM

To: McGartland, Al <McGartland.Al@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Massey, Matt <Massey.Matt@epa.gov>; Hewitt, Julie <Hewitt.Julie@epa.gov>; Marten, Alex <Marten.Alex@epa.gov>

Subject: RE: Draft sentence to **Attorney Client / Deliberative Process / Ex. 5**

Attorney Client / Deliberative Process / Ex. 5

Mindy Eisenberg
Acting Director, Oceans, Wetlands & Communities Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4502T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

From: McGartland, Al

Sent: Monday, June 26, 2017 2:49 PM

To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Massey, Matt <Massey.Matt@epa.gov>; Hewitt, Julie <Hewitt.Julie@epa.gov>; Marten, Alex <Marten.Alex@epa.gov>

Subject: RE: Draft sentence to **Attorney Client / Deliberative Process / Ex. 5**

Attorney Client / Deliberative Process / Ex. 5

From: Kupchan, Simma

Sent: Monday, June 26, 2017 2:47 PM

To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Massey, Matt <Massey.Matt@epa.gov>; Hewitt, Julie <Hewitt.Julie@epa.gov>; Marten, Alex <Marten.Alex@epa.gov>; McGartland, Al <McGartland.Al@epa.gov>

Subject: RE: Draft sentence to **Attorney Client / Deliberative Process / Ex. 5**

Looping in Al McGartland.

Simma Kupchan
Water Law Office
US EPA Office of General Counsel
William Jefferson Clinton Building North Room 7426Q
(p) 202-564-3105

From: Neugeboren, Steven
Sent: Monday, June 26, 2017 2:47 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Massey, Matt <Massey.Matt@epa.gov>; Hewitt, Julie <Hewitt.Julie@epa.gov>; Marten, Alex <Marten.Alex@epa.gov>
Subject: RE: Draft sentence to **Attorney Client / Deliberative Process / Ex. 5**

Attorney Client / Deliberative Process / Ex. 5

Steven Neugeboren
Associate General Counsel
Water Law Office
Environmental Protection Agency
202-564-5488

From: Kupchan, Simma
Sent: Monday, June 26, 2017 2:38 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Massey, Matt <Massey.Matt@epa.gov>; Hewitt, Julie <Hewitt.Julie@epa.gov>; Marten, Alex <Marten.Alex@epa.gov>
Subject: Draft sentence to **Attorney Client / Deliberative Process / Ex. 5**

All,

Attorney Client / Deliberative Process / Ex. 5

Simma Kupchan
Water Law Office
US EPA Office of General Counsel
William Jefferson Clinton Building North Room 7426Q
(p) 202-564-3105

To: Greenwalt, Sarah[greenwalt.sarah@epa.gov]
From: Eisenberg, Mindy
Sent: Wed 6/21/2017 10:11:06 PM
Subject: federal agency coordination
federal agency issues 5-31-17.docx

Hi Sarah,

Here is the document I mentioned **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

I'll be checking my email periodically while I'm away so please let me know if you have any questions or need anything from us.

Thanks!

Mindy

Mindy Eisenberg

Acting Director, Oceans, Wetlands & Communities Division

Office of Wetlands, Oceans and Watersheds

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW, mailcode 4502T

Washington, DC 20460

(202) 566-1290

eisenberg.mindy@epa.gov

To: Fotouhi, David[fotouhi.david@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]
From: Eisenberg, Mindy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CFB4C26BB6F44C7DB69F9884628B3EF9-EISENBERG, MINDY]
Sent: Sat 6/17/2017 12:13:23 AM (UTC)
Subject: Fwd: revised WOTUS preamble
WOTUS Draft Proposed Rule revisions 6-15-17 Deliberative Process / Ex. 5
ATT00001.htm

Here you go

Sent from my iPhone

Begin forwarded message:

From: "Owens, Nicole" <Owens.Nicole@epa.gov>
Date: June 15, 2017 at 4:08:32 PM EDT
To: "Dorjets, Vlad EOP/OMB" EOP / Ex. 6
Cc: "Eisenberg, Mindy" <Eisenberg.Mindy@epa.gov>, "Nickerson, William" <Nickerson.William@epa.gov>
Subject: revised WOTUS preamble

Hello Vlad –

Attached is a revised version of the WOTUS preamble. Please let us know if you have questions.

Thanks,
Nicole

From: Eisenberg, Mindy
To: Campbell, Ann
CC: Goodin, John; Klos, Caroline; Christensen, Damaris
Sent: 6/15/2017 4:42:57 PM
Subject: RE: Upcoming US Conference of Mayors Engagement with Mayors Appearance
Attachments: Bennet TPs USCM 6-23-17.docx

Hi Ann,
Here are proposed TPs for Tate. Let us know if you need anything else.

Thanks!

Mindy Eisenberg
Acting Director, Oceans, Wetlands & Communities Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4502T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

From: Campbell, Ann
Sent: Tuesday, June 13, 2017 9:21 AM
To: Eisenberg, Mindy
Cc: Goodin, John ; Klos, Caroline
Subject: Fwd: Upcoming US Conference of Mayors Engagement with Mayors Appearance

Mindy - can you make sure these TPS come up through Mike before heading back over to OCIR. Thanks!

Begin forwarded message:

From: "Threet, Derek" <Threet.Derek@epa.gov>
Date: June 12, 2017 at 1:43:11 PM EDT
To: "Campbell, Ann" <Campbell.Ann@epa.gov>
Subject: FW: Upcoming US Conference of Mayors Engagement with Mayors Appearance

Ann – See below with a 6/15 deadline.

Can you assist?

Thanks.

Derek

From: Hannon, Armita
Sent: Monday, June 12, 2017 1:08 PM
To: Downing, Donna <Downing.Donna@epa.gov>; Woolford, James <Woolford.James@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>
Cc: Fonseca, Silvina <Fonseca.Silvina@epa.gov>; Hannon, Armita <Hannon.Armita@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Matthews, Demond <matthews.demond@epa.gov>; Threet, Derek <Threet.Derek@epa.gov>

Subject: Upcoming US Conference of Mayors Engagement with Mayors Appearance

Hi All-

Our DAA, Tate Bennett, is set to meet with a group of 10 – 15 mayors for Engagement, Updates, Dialogue, on Friday, June 23, in Miami Beach, FL during the USCM's 85th Annual Meeting. This is a 2 part hour: Part 1: WOTUS Updates (2:30 – 3:00 pm); Part 2: Superfund Updates (3:00 – 3:30 pm). Tate will provide updates on EPA's latest actions in both of these priority areas. She will hear feedback from the mayors on how they believe they can best engage and partner with EPA, and what EPA's actions mean for their communities.

The audience for Part I (WOTUS) will likely comprise Mayors who serve on the Mayors Water Council (Co-Chairs, Mayors Joy Cooper, Hallandale Beach, FL, and Joy Techel, Napa, CA). For Part 2 (Superfund Updates), mayors who serve on the Environment Committee are expected (Chair, Mayor Greg Stanton, Phoenix, AZ; Vice Chair, Mayor Bryan K. Barnett, Rochester Hills, MI). However, mayors outside of these committees will also be invited. Will share a list once confirmed.

Might you all provide some brief “top line messages,” and updates for Tate’s briefing packet by Thursday 6/15? I am putting that package together. And if you need to send me elsewhere with this request, just tell me who to hit and, as you know, I will!

Thanks very much as always!

Arnita

M. Arnita Hannon Christmon
Intergovernmental Liaison
Office of Congressional and Intergovernmental Relations
US EPA
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460
202.564.3704 (O)

Personal Phone / Ex. 6

202.501.1545 (Fax)
hannon.arnita@epa.gov

To: Fotouhi, David[fotouhi.david@epa.gov]
From: Schwab, Justin
Sent: Fri 6/23/2017 11:36:38 PM
Subject: Re: FW: RE: RE:

Deliberative Process / Ex. s

Sent from my iPhone

On Jun 23, 2017, at 7:10 PM, Fotouhi, David <fotouhi.david@epa.gov> wrote:

David Fotouhi

Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

Tel: +1 202.564.1976

fotouhi.david@epa.gov

From: Greenwalt, Sarah
Sent: Friday, June 23, 2017 10:06 AM
To: Fotouhi, David <fotouhi.david@epa.gov>
Subject: Fwd: RE: RE:

Sent from my iPhone

Begin forwarded message:

From: "Dravis, Samantha" <dravis.samantha@epa.gov>
Date: June 23, 2017 at 8:56:11 AM CDT
To: "Ringel, Aaron" <ringel.aaron@epa.gov>, "Bennett, Tate" <Bennett.Tate@epa.gov>

Cc: "Lyons, Troy" <lyons.troy@epa.gov>, "Jackson, Ryan" <jackson.ryan@epa.gov>, "Bowman, Liz" <Bowman.Liz@epa.gov>, "Graham, Amy" <graham.amy@epa.gov>, "Konkus, John" <konkus.john@epa.gov>, "Wilcox, Jahan" <wilcox.jahan@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>

Subject: RE: RE:

Deliberative Process / Ex. 5

-----Original Message-----

From: Ringel, Aaron

Sent: Friday, June 23, 2017 8:47 AM

To: Bennett, Tate <Bennett.Tate@epa.gov>

Cc: Lyons, Troy <lyons.troy@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>;

Bowman, Liz <Bowman.Liz@epa.gov>; Graham, Amy <graham.amy@epa.gov>;

Konkus, John <konkus.john@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>;

Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany

<bolen.brittany@epa.gov>

Subject: RE: RE:

Deliberative Process / Ex. 5

-----Original Message-----

From: Bennett, Tate

Sent: Friday, June 23, 2017 8:45 AM

To: Ringel, Aaron <ringel.aaron@epa.gov>

Cc: Lyons, Troy <lyons.troy@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>;

Bowman, Liz <Bowman.Liz@epa.gov>; Graham, Amy <graham.amy@epa.gov>;

Konkus, John <konkus.john@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>;

Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany

<bolen.brittany@epa.gov>

Subject: Re: RE:

Would we be Deliberative Process / Ex. 5?

On Jun 23, 2017, at 8:43 AM, Ringel, Aaron <ringel.aaron@epa.gov> wrote:

We could also set it up

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thoughts?

-----Original Message-----

From: Lyons, Troy

Sent: Thursday, June 22, 2017 9:08 PM

To: Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>

Subject: RE:

Awesome. Let us know when it is appropriate to

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

-----Original Message-----

From: Jackson, Ryan

Sent: Thursday, June 22, 2017 9:05 PM

To: Bowman, Liz <Bowman.Liz@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>

Subject:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Let's tee up the support and press.

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6

To: Fotouhi, David[fotouhi.david@epa.gov]
From: Greenwalt, Sarah
Sent: Fri 6/23/2017 2:06:16 PM
Subject: Fwd: RE: RE:

Sent from my iPhone

Begin forwarded message:

From: "Dravis, Samantha" <dravis.samantha@epa.gov>
Date: June 23, 2017 at 8:56:11 AM CDT
To: "Ringel, Aaron" <ringel.aaron@epa.gov>, "Bennett, Tate" <Bennett.Tate@epa.gov>
Cc: "Lyons, Troy" <lyons.troy@epa.gov>, "Jackson, Ryan" <jackson.ryan@epa.gov>, "Bowman, Liz" <Bowman.Liz@epa.gov>, "Graham, Amy" <graham.amy@epa.gov>, "Konkus, John" <konkus.john@epa.gov>, "Wilcox, Jahan" <wilcox.jahan@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>
Subject: RE: RE:

Deliberative Process / Ex. 5

-----Original Message-----

From: Ringel, Aaron
Sent: Friday, June 23, 2017 8:47 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: RE: RE:

Deliberative Process / Ex. 5

-----Original Message-----

From: Bennett, Tate
Sent: Friday, June 23, 2017 8:45 AM
To: Ringel, Aaron <ringel.aaron@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>;

Bowman, Liz <Bowman.Liz@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Re: RE:

Would we be Deliberative Process / Ex. 5?

On Jun 23, 2017, at 8:43 AM, Ringel, Aaron <ringel.aaron@epa.gov> wrote:

We could also set it up

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Thoughts?

-----Original Message-----

From: Lyons, Troy

Sent: Thursday, June 22, 2017 9:08 PM

To: Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>

Subject: RE:

Awesome. Let us know when it is appropriate to

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

-----Original Message-----

From: Jackson, Ryan

Sent: Thursday, June 22, 2017 9:05 PM

To: Bowman, Liz <Bowman.Liz@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Wilcox,

Jahan <wilcox.jahan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>;
Bolen, Brittany <bolen.brittany@epa.gov>

Subject:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Let's tee up the support and press.

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6

Message

From: Greenwalt, Sarah [greenwalt.sarah@epa.gov]
Sent: 6/22/2017 9:05:17 PM
To: Fotouhi, David [fotouhi.david@epa.gov]
Subject: Re: InsideEPA: GOP states urge EPA to apply Scalia's narrow standard in new CWA rule, 6/22/17

Thank you for sending.

Sent from my iPhone

On Jun 22, 2017, at 4:51 PM, Fotouhi, David <fotouhi.david@epa.gov> wrote:

Sent from my iPhone

Begin forwarded message:

From: "So, Katherine" <so.katherine@epa.gov>
Date: June 22, 2017 at 3:03:22 PM EDT
To: AO OPA OMR CLIPS <AO_OPA_OMR_CLIPS@epa.gov>
Subject: InsideEPA: GOP states urge EPA to apply Scalia's narrow standard in new CWA rule, 6/22/17

InsideEPA

<https://insideepa.com/daily-news/gop-states-urge-epa-apply-scalias-narrow-standard-new-cwa-rule>

GOP states urge EPA to apply Scalia's narrow standard in new CWA rule
By David LaRoss 6/22/17

A group of GOP-led states is urging EPA to apply the late Justice Antonin Scalia's narrow test for defining Clean Water Act (CWA) jurisdiction in its pending rule to replace an Obama-era jurisdiction policy that used Justice Anthony Kennedy's broader test, even though appellate courts have said that Scalia's test is not considered binding.

The states, in [recent letters submitted to the agency](#) and obtained by *Inside EPA*, also call on EPA and the Army Corps of Engineers to defer to their authority to regulate intrastate waters in the replacement rule.

President Donald Trump in a Feb. 28 executive order (EO) directed the agencies to undo the Obama administration's [CWA jurisdiction rule](#), which critics have said expands the scope of the law far beyond what Congress intended. Trump's order mandates the agencies to consider Scalia's test as the basis for the new jurisdiction rule.

The White House is currently reviewing a proposed rule that is expected to replace the Obama-era rule -- which is currently stayed by an appellate court -- with CWA jurisdiction policies that existed before the regulation was finalized. The administration would then craft a replacement rule setting a new jurisdiction policy.

As part of the rulemaking process, EPA set a June 19 comment deadline for states to give input, and a group of 20 GOP state attorneys general (AGs) in its comments lay out the first detailed case for basing the policy on Scalia's test, while broader, nonpartisan state groups urge regulators to pursue extensive consultation with them -- though unlike the Republican AGs, few of the state organizations are taking sides on how broad the rule should be.

The AGs say that "many of the undersigned States believe that Justice Scalia's plurality opinion identifies the outermost bound of permissible federal jurisdiction authorized by the statute, and many of the undersigned States would consider bringing another legal challenge against any regulatory definition of 'waters of the United States' that exceeds the scope defined by Justice Scalia's plurality opinion," according to their letter.

The AGs that signed the letter are from: West Virginia, Wisconsin, Alaska, Oklahoma, Arkansas, Georgia, Nevada, Alabama, Texas, Indiana, Kansas, North Dakota, South Dakota, Kentucky, Ohio, Louisiana, South Carolina, Michigan, Missouri and Utah.

Forthcoming Rule

Individual states and nationwide groups weighed in on the forthcoming CWA rule in response to an invitation from EPA to send early comments on its process of developing a new jurisdiction policy. Neither EPA nor the Corps has released a rule proposal for broader public comment, and an agency spokesperson said in response to a June 20 request to release the preliminary comments only that "EPA is reviewing the input that was submitted as we determine our next steps."

EPA Administrator Scott Pruitt has pledged to finish the rulemaking process by early 2018, but there is no binding deadline in effect.

Of letters obtained by *Inside EPA*, only the Republican AGs take a definitive position on the legal test EPA and the Corps should apply in their eventual rulemaking -- but the AGs stop short of arguing that the high court's fractured 2006 CWA decision *Rapanos v. United States* requires using Scalia's test.

Instead, they say the Scalia test is a better fit with the law as written than the standard crafted by Kennedy that the Obama administration used in its rulemaking.

The justices split 4-4-1 in *Rapanos*, creating two competing standards that courts have never decisively settled; appellate judges have generally backed using Kennedy's broader test, either alone or in tandem with Scalia's, though no federal appeals court has ever said Scalia's test alone is the binding test for determining jurisdiction.

In *Rapanos*, Scalia and three other conservatives backed a narrow CWA test limiting jurisdiction to "relatively permanent" waterbodies that share a "continuous surface connection" to navigable waters. But Kennedy, writing alone, said EPA should apply a broader test based on downstream waterbodies' "significant nexus" to navigable waters.

Scalia's Test

The GOP AGs' letter says Scalia's test "better comports with the text of the CWA" compared to Kennedy's opinion, in part because it limits jurisdiction over smaller or ephemeral waters that the AGs argue were never meant to be subject to federal authority.

"This approach would preserve the role of the States as the primary regulators of land and water resources by allowing for federal jurisdiction over only relatively permanent bodies of water," the letter says.

However, they acknowledge that despite Trump's EO directing EPA and the Corps to consider Scalia's test in their new CWA rule, the agencies might ultimately craft a policy that incorporates Kennedy's test to some degree.

"[S]hould the Agencies nevertheless decide to follow such an approach, over the objections of the undersigned States, we urge them to carefully consider, at the very least, the extent to which States already fully protect these waters under state law and to build any approach around that understanding."

The GOP states argue that such an "understanding" should limit the federal government's jurisdiction over waters that pass Kennedy's test but not Scalia's to situations where agencies can prove state regulation has already proven ineffective.

"In particular, to the extent the Agencies extend jurisdiction under Justice Kennedy's approach, in order to remain true to that approach, they should do so only where the Agencies have determined that the State's permitting program has failed with respect to a particular body of water, such that the water would -- unless subject to federal regulation -- have a significant, detrimental effect on the 'chemical, physical, and biological integrity' of navigable waters," the states' letter says.

They continue that their preferred policy would require separate findings for each such waterbody, and allow states to mount both administrative appeals and federal court challenges to overturn the determinations -- steps that would present major hurdles for any future administration that might seek to assert jurisdiction through Kennedy's standard. "Such an approach would at least begin to recognize important federalism principles," the letter says. -- *David LaRoss* (dlaross@iwpnews.com)

Katherine So
Office of Media Relations Intern
U.S. Environmental Protection Agency
Telephone: (202)-564-4511
so.katherine@epa.gov

To: Greenwalt, Sarah[greenwalt.sarah@epa.gov]
Cc: Fotouhi, David[fotouhi.david@epa.gov]
From: Schwab, Justin
Sent: Mon 6/19/2017 8:23:52 PM
Subject: RE: WOTUS

Deliberative Process / Ex. 5

From: Greenwalt, Sarah
Sent: Monday, June 19, 2017 4:23 PM
To: Schwab, Justin <schwab.justin@epa.gov>
Cc: Fotouhi, David <fotouhi.david@epa.gov>
Subject: RE: WOTUS

Let's plan on dinner.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Sarah A. Greenwalt

Senior Advisor to the Administrator

for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722|Cell: **Personal Phone / Ex. 6**

Greenwalt.Sarah@epa.gov

From: Schwab, Justin
Sent: Monday, June 19, 2017 2:59 PM
To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Cc: Fotouhi, David <fotouhi.david@epa.gov>
Subject: Re: WOTUS